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***Human Trafficking in Poland:
Further Victimization of Female Victims of Human Trafficking for
Sexual Exploitation***

In Partial Fulfillment of the Requirement for the Degree

Master of Arts

in

International Studies

by

Katarzyna Peninska

Advisor: Kathleen Kelly Janus

December, 2012

University of San Francisco

***Human Trafficking in Poland:
Further Victimization of Female Victims of Human Trafficking for
Sexual Exploitation***

In Partial Fulfillment of the Requirement for the Degree

MASTER OF ARTS

in

INTERNATIONAL STUDIES

by

Katarzyna Peninska

December, 2012

UNIVERSITY OF SAN FRANCISCO

Under the guidance and approval of the committee, and approval by all the members, this thesis has been accepted in partial fulfillment of the requirements for the degree.

Approved

Advisor

Date

Academic Director

Date

Dean of Arts and Sciences

Date

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Abstract

Poland is a source, destination, and transit country for human trafficking. The country is taking steps to address this crime, but it offers very little protection and benefits to the victims. Currently, the victims are only allowed to stay temporarily in Poland if they testify against their traffickers. During their cooperation with the prosecution they rarely receive legal representation or psychological help. This thesis posed the question of whether Polish laws and the Polish system further victimize female victims of human trafficking for sexual exploitation. The research was conducted in Poland between May and July of 2012. The first part of the research consisted of interviews with 16 employees of two organizations, Fundacja La Strada and the Halina Niec Legal Aid Centre, which are the major organizations in Poland working on human trafficking issues. The participants were asked about their beliefs about what the victims should be entitled to and about their perception of how the laws and the system treat the victims. The second stage of the research was based on the evaluation of files provided by La Strada, which contained information on the victims who came under the patronage of the organization. Data analyses revealed that the victims are mistreated in many different ways, which allows one to draw a conclusion that they are further victimized in Poland. Future studies should expand the sample size to include other groups of individuals who come into contact with the victims, such as the Border Patrol officials and police officers. Moreover, they should compare the treatment of victims of forced prostitution to victims of human trafficking for forced labor. Future research could also include longitudinal studies of the victims to see how the laws and the system affect them.

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Chapter I

Introduction

Globalization has created economic inequalities where some countries and their citizens have been becoming richer and richer while other countries need to face increasing poverty levels. Economic inequalities became a driving force for migration in search of better opportunities. However, while globalization allows for an easy movement of goods, at the same time, nation states implement increasingly strict immigration laws and border control measures to halt migration and restrict movement of people. Global economic disparities have placed women in the particularly difficult position of poverty and limited economic prospects, which created the phenomenon of the feminization of poverty. Women often find themselves in a desperate material position and, despite the awareness of potential risks, decide to migrate to foreign countries or respond to prestigious job offers abroad. Some hire smugglers to help them avoid detection at the borders. The lack of prospects and tough economic conditions of many women create a breeding ground for human trafficking.

Although globalization and economic inequalities resulting from it create favorable ground for traffickers, human trafficking is not a new phenomenon, and it has been on international agendas for over a century. In the past two decades, however, it has gained particularly wide attention. The last two decades are marked by numerous legal measures designed to combat the crime. Human trafficking has received a lot of coverage in the media and has been a subject of interest to governmental and non-governmental organizations (Goodey, 2003b, p. 168). Furthermore, the increased focus on human

trafficking is demonstrated by the frequent conferences on the issue and the enormous resources devoted to this crime (Goodey, 2008, p. 434). Despite all this attention, there is still not much concrete and accurate data available on the topic. Of course there are numerous statistics and reports issued every year that try to estimate the scope of this crime, but human trafficking is comprised of underground activities that very often escape the detection of law enforcement. Although we have an idea of how many victims are trafficked, the scale of human trafficking is a “guesstimate” because this crime is not well documented (Goodey, 2008, p. 425) and scholars agree that it is impossible to present reliable numerical information regarding its scale (Holems, 2010, p. 59). Currently, the only reliable statistics pertaining to human trafficking are those for prosecution of traffickers (Wylie & McRedmond, 2010, p. 181). The problem with assessing the extent of human trafficking arises from using various definitions of the crime and from the lack of shared understanding about who should be identified as a victim (Ibid., p. 6).

Human trafficking is a worldwide phenomenon, but not all countries take equally serious steps to address the issue. Europe, and specifically the European Union, has been devoting a lot of attention and resources to fight human trafficking. Without a doubt, the continent has an evident problem of economic inequalities and is heavily affected by human trafficking. After the fall of communism, Europe entered a stage of rapid changes and transformations, which intensified the problem. Countries of the former Soviet Union Block exercised great restrictions on the movement of people, which posed difficulties for potential trafficking. When those nation states transferred to democratic rule, the movement of people was made easier, but at the same time, major political shifts resulted

in economic stagnation and weak governments, which were unable to implement laws and keep social order. Consequently, post-communist countries and Western Europe saw a dramatic increase in human trafficking cases. Often, residents of the former Soviet Union Block, especially women, were lured by the promise of a better life in the West, only to be forced into prostitution.

Poland was one of the post-Soviet countries which were severely affected by the increase in human trafficking. At the beginning of the transformation to democracy, Poland was mainly a source country for trafficked individuals, and many Polish women became victims of forced prostitution in Western Europe. However, it did not take long for Poland to also become a popular destination and transit nation for trafficking in human beings. Presently, the country is a major spot for human trafficking in Europe. In order to combat human trafficking, Poland has been taking various legal steps and became a signatory state to the international agreements addressing the issue.

Despite numerous legal measures to combat human trafficking and the need for understanding this phenomenon in Poland, there is very little literature, scholarly work, or research studies on the issue. There is not even one empirical study evaluating Polish laws and their implementation. Moreover, there is no data on how Polish laws designed to help the victims are utilized in practice, and how many victims who apply for legal benefits actually receive them.

Statement of the Problem

As a country with little factual information about human trafficking, Poland is not unique. Globally, there are thousand of articles written about human trafficking, but the overwhelming majority of them are theoretical in nature or personal opinions about

various aspects of human trafficking, such as the evaluation of national and international efforts to combat the crime. Academics agree that there is not much scholarship and research related to human trafficking (Brennan, 2005; Goodey, 2008; Hossain et al., 2010, Raymond, & Hughes, 2001, Spangenberg, 2002; Zimmerman et al., 2008). The scarcity of information is even more profound in the area of scholarship on the victims' experiences once their trafficking situations end (Brennan, 2005; Hossain et al., 2010, Tsutsumi et al., 2008; Zimmerman et al., 2008).

Definitions

1. Victimization

(Based on the broad usage of this term in the European Commission Directive published in 2011, which recognizes that further victimization is not only linked to being criminalized for illegal immigration or prostitution but also reflects harm experienced due to judicial discretion and practices used by various actors working with the victims):

Any situation when the victim who comes into contact with Polish laws and institutions designed to help her, such as shelters, is further harmed after the trafficking situation ends (for example, the victim ends up in jail for being an illegal immigrant instead of being placed in a shelter or the victim is subjected to frequent court hearings). The researcher will also use this term based on its usage by Holmes in her book "*Trafficking and human rights. European and Asia-Pacific perspectives* (2010)." Holmes uses the word victimization to describe, among other things, various types of harm done to the victims by the state, such as treating the victims as criminals, subjecting them to long court proceedings, and by not following the laws protecting the victims.

2. Victim

An individual who underwent a trafficking situation as described by the UN Trafficking Protocol. The researcher uses this term when allegations of being trafficked are confirmed by legal or psychological means. Thus, sole individual's claims of being trafficked are not enough to consider this person the victim. The word victim is not used to describe or assume any social meaning that this term can suggest, such as being the victim because of poverty or various social unrests.

3. Polish system

It is a way in which things are handled in Poland, which is not necessarily related to the laws. For instance, the way in which Polish officials treat trafficked individuals is an example of the Polish system. The fact that trafficked individuals might be subjected to multiple interviews by law enforcement officials is another example of the Polish system.

“Quadruple Victimization” of Victims of Human Trafficking¹

The first stage of victimization happens at the hands of traffickers and private individuals and often involves physical and psychological violence (Holmes, 2010, p. 181). Of course this first type of victimization can also include family members and friends if they take part in luring, pushing, or selling a person into human trafficking. The second type of victimization includes actions of police officers who engage in the operations of human trafficking crime rings (Ibid., p. 183). The involvement of police can take many forms such as the active participation in trafficking, informing traffickers of upcoming raids, and turning a blind eye to trafficking operations on the borders (Ibid., p. 183).

¹ “Quadruple Victimization” is a term used by Leslie Holmes in *Trafficking and human rights. European and Asia-Pacific perspectives* (2010).

The third type of victimization is carried out by the mass media (Ibid., p. 183).

The media quite often portray the victims as sneaky individuals who want to be treated as victims because their primary goal of making money did not work out. Moreover, trafficked individuals' victimization is further intensified by the media's lack of concern for their privacy. For instance, women who wish to forget or hide what happened to them are depicted publicly by their real names or in a way that allows for an easy identification (Holmes, 2010, p. 32).

The last type of victimization takes place at the hands of the states, which do not secure the fulfillment of human rights in respect to trafficked individuals (Ibid., p. 185). The victimization by the state can take on many forms and Holmes divides it into six categories. First, the state engages in victimization when instead of supporting the victims it protects its own employees; for example, when it grants immunity to its officers even when there is clear evidence showing their engagement with the victims of human trafficking. Second, when it comes to trafficked individuals who seek asylum or a refugee status, the states do not obey their commitments to international treaties regulating the victims' rights (Ibid., p. 186). The third form of victimization by the state takes place when the victims are treated more as criminals than their traffickers. This often happens in male-oriented cultures when trafficked women work illegally since they are not nationals of the state while their traffickers are the citizens.

Fourth, the state may fail to educate its officers who come into contact with potential victims of human trafficking about the ways to recognize the instances of this crime and about the laws and rights pertaining to the victims (Ibid., p. 186). In consequence, the victim can be handled as an illegal immigrant and deported instead of

being offered help guaranteed by the laws. Fifth, the state can further victimize the victim by its slow bureaucratic procedures and long investigations, which can humiliate and degrade the victims. Sixth, victimization happens in the way court cases are handled, specifically when the presence of the victim is required during court proceedings. When the presence of trafficked individuals is necessary during trials, that can put the victims and their families in danger because their identities are exposed, which in turn increases the possibility of retaliation from traffickers. Moreover, facing the traffickers can lead to profound trauma (Ibid., p. 187).

This thesis will explore more in depth the stage of victimization that Holmes classifies as the fourth type. The researcher will not address any prior victimization that the trafficked individuals might have experienced before they were identified in Poland as victims of human trafficking.

Background

The international efforts to combat human trafficking date back to the beginning of the 20th century. At that time, the international community saw the need to fight human trafficking through legal measures, and that trend has continued into the present. The last two decades have also been marked by numerous legal efforts to address human trafficking in the European Union. The fall of communism in Central and Eastern Europe in 1990s elevated the problem of human trafficking, which has led to the implementation of anti-trafficking laws in the penal codes of post-soviet states. Poland, as one of the countries which transformed to democracy and which saw a dramatic increase in human trafficking cases, took legal steps to address the problem. However, despite Poland's attention to human trafficking at the policy level, there are numerous shortcomings within

the laws and in their applications. This section will first outline the history of international legal measures in addressing human trafficking. Next, it will provide a brief overview of anti-trafficking laws in Poland. Lastly, it will point out deficiencies in the Polish approach to human trafficking.

International development of legal responses to human trafficking

The first international agreement regarding human trafficking was reached in 1904. Along with establishing bureaus for the exchange of information, it organized “help stations” for women and girls in ports and railway stations (Limoncelli, 2010, p. 9). In 1921, thirty-four countries attended an anti-trafficking conference, which resulted in the adoption of fifteen documents, including recommendations for the countries to keep a record of their anti-trafficking efforts, to extradite traffickers, and to raise the minimum age of consent to twenty-one (Ibid., p. 74). During this conference, the participating countries also established a standing League of Nations committee—the Traffic in Women and Children Committee (Ibid, p. 75).

The work of the Committee was noteworthy and led to the development of two additional legal documents dealing with human trafficking (Limoncelli, 2010, p. 76). The first one, the 1933 Convention for the Suppression of Traffic in Women of Full Age, made procurement of adult women illegal despite their consent (Ibid., p. 76). The work on the second convention, which addressed the trafficking of women within national borders was interrupted by World War II (Ibid., p. 76). The newly formed United Nations continued the international effort to halt human trafficking, and in 1949, it held its first convention specifically addressing human trafficking—the Convention on the Suppression of Trafficking of Women and the Exploitation of Prostitution of Others

(Goodey, 2008, p. 422). Subsequently, the anti-trafficking movement lost its momentum until the 1980s and 1990s, when the international community renewed its interest in the issue of human trafficking due to the increased movement of people and the exploitation of vulnerable populations resulting from the fall of communism in Central and Eastern Europe and civil conflicts (Limoncelli, 2010, p. 2; Goodey, 2008, p. 422). Since the fall of Communism, the European Union and the international community at large have taken many legal measures to address the issue of human trafficking.

The major international document pertaining to human trafficking was adopted in 2003, when the United Nations passed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Trafficking Protocol), supplementing the Convention Against Transnational Organized Crime (CATOC). This is the most important international legislation regarding human trafficking, and it includes the most widely accepted definition of the crime (Breuil et al., 2011, p. 34). The Convention and the Trafficking Protocol define who and under what circumstances can be prosecuted for the crime of human trafficking (Wylie & McRedmond, 2010, p. 188). These two documents limit the criminalization of human trafficking to instances when the act is transnational and when it involves an organized criminal group (Ibid., p. 188). Moreover, further criticism of these laws is related to the fact that the adjunction of the Trafficking Protocol to the CATOC, which focuses primarily on combatting organized crime, is seen as giving attention to the crime as an act against the state instead of an act against individual victims of human trafficking (Goodey, 2008, p. 423).

The purpose of the Trafficking Protocol is to “prevent and combat trafficking in persons” and “to protect and assist the victims of such trafficking, with full respect to

their human rights” (the Trafficking Protocol, p. 2). However, many signatory states, such as the United States, have moved away from underscoring human trafficking as a human rights’ violation and deemphasized the protection of the victims in the name of prosecution of their traffickers (Chacon, 2010). For instance, under the current anti-trafficking legislation in the United States, the victims must be ready to testify against their traffickers in order to receive any benefits (Rieger, 2007, p. 251). The fact that trafficked individuals may have well-founded reasons for not testifying, such as a fear of retaliation, seems to be less important than fighting organized crime.

On the European Union level, the first steps to combat human trafficking were taken in the late 1990s. In 1989, the European Parliament adopted its first resolution concerning human trafficking, which was followed in 1993 by a second one calling for international cooperation and for the improvement of the situation of the victims (Goodey, 2008, p. 422). Out of political fears about organized crime, state sovereignty, and immigration issues, the European Union soon started to emphasize crime control as the main direction for anti-trafficking laws (Wylie & McRedmond, 2010, pp. 3-4). For instance, in 2002, the European Union adopted the 2002 Framework Decision On Combating Trafficking in Human Beings, which gave very little attention to the protection of the victims or prevention of human trafficking, and instead, it mainly concentrated on defining the crime of trafficking (Ibid., pp. 3-4). Another Council Directive passed in 2004 made the protection for the victims conditional upon their willingness to cooperate with the authorities (Ibid., pp. 3-4).

The prevailing European approach to human trafficking, which gave the most attention to fighting this phenomenon in the name of crime control has been slowly

changing in recent years (Wylie & McRedmond, 2010, p. 4). In 2004, the EU Expert Group on Trafficking issued a report in which they highlighted that the human rights of trafficked victims should become a priority for member states and that the problem of exploitation of the victims should be more important than concerns related to immigration issues (Ibid., p. 4). In the same year, the EU passed the Council Directive 2004/81/EC on the Residence Permit Issued to Third-Country Nationals who are Victims of Human Trafficking or who have been the Subject of an Action to Facilitate Illegal Immigration, who Cooperate with the Competent Authorities (Holmes, 2010, p. 35). This document required the EU member states, with the exception of Denmark, Ireland, and the United Kingdom, to pass laws allowing the victims to stay in a country for at least six months, if they agree to assist the authorities with investigations against their traffickers (Ibid., p. 35). The trend of giving more attention to the victims' rights was further exemplified in 2005, when the EU adopted the Council of Europe Convention on Action Against Trafficking in Human Beings, which focused mainly on the protection of victims and safeguarding their rights. This law encourages signatory states to establish non-governmental organizations promoting, among other things, victims' protection and assistance (Article 5).

Furthermore, in 2011, the European Commission published a Directive on trafficking in human beings, which took a victim-centered approach, and included provisions in areas such as support to the victims and victims' rights in criminal proceedings (Europol Public Information, p. 3). This law recognizes the potential harms that the victims can be subjected to after their trafficking situations end, and it refers to them as "further victimization" (Directive 2011/36/UE). It calls the Member States to

protect the victims from further victimization imposed by legal codes related to prosecution for illegal immigration and prostitution (Directive 2011/36/UE, Article 14). What is more, the Directive recognizes that further victimization is not only linked to being criminalized for illegal immigration or prostitution, but it also reflects harm experienced due to judicial discretion and practices used by various actors working with the victims. For example, the Directive classifies “unnecessary repetition of interviews” and the lack of adequate mental and psychological help as venues of further victimization (Directive 2011/36/UE, Articles 14 and 20).

In addition to legal initiatives, Europe also implemented funding programs to directly and indirectly address the human trafficking on the continent (Goodey, 2003b, p. 163). For instance, the STOP program, which was in effect between 1996 and 2000, was funded to combat trafficking of women and children for the purpose of sexual exploitation (Ibid., p. 163). A second program, DAPHNE, which operated between 1997 and 1999, was broader in scope than the STOP program as it concentrated on fighting violence against women, children, and other vulnerable groups (Ibid., p. 163).

Development of legal responses to human trafficking in Poland

After the fall of the communist regime in Europe in the 1990s, the problem of human trafficking greatly intensified (Wylie & McRedmond, 2010, p. 60). Poland was one of the countries that were affected by changes taking place in Central and Eastern Europe. Under the communist system, Poland had restrictive passport policies and exercised strict control over people’s place of residence. These policies posed restrictions on free movement, thus limiting opportunities for human trafficking (Ibid., p. 60). Additionally, Poland struggled with economic problems, which usually increase criminal

activities. Poland's annual inflation rate was 585.8 percent in 1990, 45.3 percent in 1992, and 33.2 percent in 1994 (Holmes, 2010, p. 70). The country's GDP growth rate in 1990 was negative at -11.5, while in 1992 it was 2.5 and in 1994, 5.3 (Ibid., p. 70). The unemployment rates were also very high although there have been suspicions that they were underreported anyway. There is no data for 1990 and 1992, but the unemployment in 1994 was estimated at 14.4 and in 1996, at 12.4 percent (Ibid., p. 71). Poor economic conditions resulted in the government's inability "to pay their own officials in full, on time – or at all" (Ibid., p. 72). This situation stimulated corruption and led to collusion between criminals, including traffickers, and officials (Ibid., p. 72). Furthermore, the transition to democracy was wide-ranging and required simultaneous changes in the political system, economy, education, laws, social structure, and international relations (Ibid., p. 72). In conditions of poverty, legislative lag, corruption, and often contradictory laws human trafficking became a profitable and low-risk enterprise carried out by crime rings (Ibid., pp. 69-72).

Originally Poland was mainly a country of origin for trafficked victims and Polish women were forced into prostitution in Western Europe (Wylie & McRedmond, 2010, p. 61). Soon after, Poland began to function as a source, transit, and destination country for human trafficking.² The European Institute for Crime Prevention and Control estimates that annually there are 15,000 women and children who become victims of trafficking for sexual exploitation (to, through, and from Poland). The majority of victims of human trafficking are citizens of Poland. In the years 1995-2008, Polish prosecutors revealed that among 3170 individuals who came into contact with authorities 80 percent were of

² Ministerstwo Spraw Wewnętrznych i Administracji (Polish Ministry of Internal Affairs).

Polish nationality while the rest were mainly citizens of Ukraine and Belarus (Wylie & McRedmond, 2010, p. 67). A small number (n=18) of the identified victims who came from outside of Europe (Vietnam, Sri Lanka, Mongolia, Costa Rica, Kenya, and Senegal) shows that human trafficking in Poland is mainly a crime against Polish citizens (Ibid., p. 62). Of course, one cannot forget about Polish women who are trafficked out of the country to Western Europe.

There can be many factors at play influencing the extent of human trafficking in Poland. For instance, Poland is in the center of Europe and can be seen as a transitional space between the poor East and the rich West. Poland certainly does not economically belong with the wealthy countries of Western Europe, but at the same time, it is economically stronger than many nation states to the east of its borders. For these reasons, “push” and “pull” factors can be important contributors to the existence of human trafficking in the country. The high level of unemployment, tough economic situation, and poverty are just some of the “push” factors, which can affect Polish women’s decisions to look for job opportunities in more prosperous Western Europe and often, as a result, become victims of human trafficking. Alternatively, for women from poorer nations located east of Poland, the country can seem as a desirable place with a high standard of living, which functions as “pull” factors attracting migration, which can result in a trafficking situation.

In the year 2003, Poland adopted the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Trafficking Protocol, also known as the Palermo Protocol), supplementing the Convention Against the Organized Crime, which obligated the signatory states to pass the

laws consistent with the Protocol. To comply with the Protocol, Poland took various steps to address human trafficking and improve the situation of trafficked victims. However, Poland does not have one unified anti-trafficking law. Instead, the country adopted a number of legal provisions into its existing Criminal Code.

Poland has two laws, articles 253 and 204 of the Penal Code that deal directly with the crime of human trafficking.

Article 253 states that:

§1. Whoever performs trafficking in persons even with their consent, shall be subjected to the penalty of the deprivation of liberty for no less than 3 years.

§2. Whoever, in order to gain material benefits, organizes the adoption of children in violation of the law, shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.³

Article 204 states that:

§4. Whoever entices or abducts another person with the aim of making him/her engage in prostitution abroad shall be subjected to penalty specified in **§3** (i.e. deprivation of liberty for a term of between 1 year and 10 years).⁴

The consent of the victims is not important for the penalty under those two laws. (Wylie & McRedmond, 2010, p. 62). The major difference between those two regulations is whether the act of trafficking takes place domestically or internationally.

In addition to laws exclusively pertaining to human trafficking Poland has a number of laws criminalizing behaviors connected with human trafficking, such as the articles 203 and 204 of the Penal Code as well as Article 8 of Provisions implementing

³ La Strada (2007) *Monitoring of the observance of human rights with regard to victims of human trafficking*.

⁴ Ibid.

the Penal Code. **Article 203** makes it unlawful to lead a person to prostitution by means of violence, unlawful threats, deceit, or taking advantage of the relationship of dependence or critical situation.⁵ **Article 204** forbids compelling another person to practice prostitution or facilitating prostitution, in order to gain material benefits.⁶ Moreover, **Article 8** of Provisions Implementing the Penal Code states that it is illegal to cause another person to become enslaved or conduct trade in slaves. Additionally, **Article 1** indirectly relates to the crime of human trafficking and it states that it is unlawful to force another person to behave in a certain way by means of violence or threat. Lastly, **Article 189** of the Penal Code makes deprivation of liberty illegal, which again indirectly pertains to the crime of human trafficking.⁷ Additional changes in the penal code included a law adopted in 2005, which allowed the victims to receive a two-month visa for a temporary stay in Poland. This law was supposed to give them time to consider collaboration with law officials, which is necessary for receiving further benefits⁸.

Although Poland has taken steps to combat human trafficking, there are clear areas of deficiencies in the laws as well as in the public policy. For instance, despite the fact that the victims are eligible for the time to think whether they want to testify, none of the victims has ever received such time⁹. Moreover, for a very long time, until 2007, Poland did not have its own definition of human trafficking and was using the Trafficking Protocol's definition of human trafficking:

“Trafficking in persons” shall mean the recruitment, transportation, transfer,

⁵ Ibid. (p.11).

⁶ Ibid. (p.12).

⁷ Ibid. (p.12).

⁸ Ministerstwo Spraw Wewnętrznych i Administracji (Polish Ministry of Internal Affairs), 2007.

⁹ Statement made on 06/28/2012 by the director of La Strada who is also a well-known activist fighting for the rights of victims of human trafficking. (Statement made during the researcher's internship in La Strada).

harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (the Trafficking Protocol).

In 1997, Poland passed an act which established the country's own definition of human trafficking. The act defines human trafficking as the recruitment, transportation, delivery, transfer, harboring or receipt of persons using:

- 1. violence or threats,*
- 2. abduction,*
- 3. deception,*
- 4. exploitation by placing the person in a mistaken belief, using this mistaken belief, or inability to properly understand the undertaken actions,*
- 5. abuse of dependence, the use of a critical situation or state of helplessness,*
- 6. giving or acceptance of personal financial benefit or the promise of it to the person who has the care or supervision of another person*

*In order to use the person, even with his consent, in particular in prostitution, pornography and other forms of sexual exploitation, work or services which have qualities of a forced work, in begging, in slavery or in the use of other forms of treatment that are degrading to human dignity, or to obtain body parts or organs in violation of the law. If the conduct of the offender applies to a minor, it is human trafficking, even if methods mentioned in points 1 – 6 were not used.*¹⁰

The lack of definition of human trafficking in the Polish penal code was both problematic and advantageous. Article 253§1 uses the term “trafficking in human beings,” but without a precise definition of the crime, doubts could arise as to whether

¹⁰ This definition comes from La Strada's website and was translated from Polish to English by the researcher: <http://www.strada.org.pl/index.php/en/our-partners/30>

specific situations fall under this law (Wylie & McRedmond, 2010, p. 62). Alternatively, the lack of the definition could be beneficial because “trafficking in human beings” is an inclusive term, which could be applied to a broader range of situations, especially when traffickers change the ways in which they operate and a narrower definition would no longer apply (Wylie & McRedmond, 2010, p. 62). The more practical problem arising from the lack of own definition was the fact that an analysis of judicial decisions of Polish courts revealed that the decision from the Palermo Protocol was not even always applied by the judges (La Strada, 2007)¹¹. Moreover, Poland does not have a definition of the victim of human trafficking, which implies that an individual who underwent trafficking in persons (as defined by the Polish definition of human trafficking) would be considered to be the victim. Furthermore, the system is slow and the court proceedings against traffickers often last more than two years¹². Lastly, the fact that there are only two organizations in the whole country providing help for the victims limits the available assistance that survivors can have access to.

When the system and the laws are deficient it is important to ask what kind of consequences this situation creates for the victims. Any help to the victim is based on the proper recognition of her status as a victim of human trafficking, but when the judges do not apply the laws or when it is unclear who the victim is, it is hard to provide support to a trafficked individual. This poses the question of whether the victim becomes further victimized because she is deprived of the help she needs and deserves. Next, when court proceedings are long the victim cannot quickly move on with her life and try to put the trauma behind her. In that respect she again becomes further victimized by the system.

¹¹ La Strada (2007) *Monitoring of the observance of human rights with regard to victims of human trafficking*.

¹² Ministerstwo Spraw Wewnętrznych i Administracji (Polish Ministry of Internal Affairs), 2007.

Lastly, the victims are often unfamiliar with their rights and require a lot of assistance. The fact that Poland has only two NGOs helping the victims is another failure of the country and the system to provide trafficked individuals with the help they need. The work of a small number of NGOs is obviously limited by their manpower, which also restricts the outreach the organizations can have. As a result, many victims probably never come into any contact with those NGOs and are further deprived of any support since they have nowhere to turn. Clearly, there are many ways in which further victimization can happen to trafficked individuals in Poland.

Need for the Study and Significance to the Field

As previously stated, there is a profound scarcity of research studies on human trafficking in general, and even less on the experiences of the victims once their trafficking ends. Current efforts to address human trafficking are, to a great extent, legal, but without empirical studies evaluating anti-trafficking laws it is hard to assess the impact of those measures. One of the purposes of laws addressing human trafficking is helping the victims of this crime. However, if legal rules are adopted to provide benefits and assistance to the victims, that does not mean that trafficked individuals become recipients of help in reality. Helping the victims is an extremely important part of anti-trafficking efforts because without the assistance, victims are at great danger of being re-trafficked (Goodey, 2003b, p. 169). Trafficked individuals constitute a highly traumatized population, which has not received substantial attention from researchers, especially in the realm of the effectiveness of laws in helping them. The situation is even worse if one wants to look specifically at human trafficking in Poland because the available scholarship is almost non-existent.

In this study, the researcher aimed to evaluate Polish laws in their effectiveness in helping female victims of trafficking for sexual exploitation. By gathering information about various possible mistreatment of trafficked women, the researcher wanted to determine whether the victims are re-victimized after their trafficking situation ends. Ultimately, the researcher believes that this study is not only a great contribution to the body of knowledge about human trafficking in Poland, but also adds much needed research data on human trafficking as a worldwide phenomenon.

Purpose of the Study

The purpose of this study was to examine how Polish anti-trafficking laws are used in practice, what the laws lack, how the Polish system treats the victims, and how people working with victims of human trafficking perceive the female victims' legal situation and what those people's beliefs are about what the victims deserve in general.

Research Question

Do Polish anti-trafficking laws and the Polish system further victimize female victims of human trafficking for sexual exploitation?

Hypothesis

Without a doubt, survivors of human trafficking for sexual exploitation are a highly traumatized population. The need for helping the victims is acknowledged by international and national laws. For example, the purpose of the Trafficking Protocol is to "prevent and combat trafficking in persons" and "to protect and assist the victims of such trafficking, with full respect to their human rights" (the Trafficking Protocol, p. 2). However, recognizing the victimhood of trafficked individuals is not automatic and is

situated in a broader context of attitudes towards immigration and organized crime. The help is rarely unconditional because states view human trafficking as a security issue, and in that respect, the victim's testimony is often viewed as a way of fighting organized crime. When security concerns are a priority, the victims' needs become secondary and human trafficking survivors are tools for prosecution of traffickers. Moreover, the fact that the laws include provisions about helping the victims does not mean that those regulations are utilized in practice. For that reason, testifying against traffickers is a barrier to receiving assistance under the jurisdiction of many countries, such as in the United States, because in order to receive benefits the victims must testify (Chacon, 2010). Even if some countries, such as Italy, offer exceptions to the requirement of testifying, the practice proves to the contrary and the victims are "effectively obligated to testify by the Italian State" (Goodey, 2004, p. 37). Moreover, in the United Kingdom, anti-trafficking laws reflect the underling goals of strengthening national security at the cost of helping the victims because legal benefits can only be obtained if the victim qualifies for asylum or humanitarian protection¹³.

Based on the fact that for many countries helping the victims becomes secondary to security concerns and immigration issues, the researcher hypothesized that Poland and its attitude towards treatment of the victims would be similar and helping the victims would not be the country's priority. Thus, the researcher hypothesized that the victims would be subjected to further victimization.

¹³ Women's Commission for Refugee Women and Children (2005). *The struggle between migration control and victim protection: The UK approach to human trafficking*. p. 14.

Theoretical Framework

Placing the trafficking of women for the purpose of sexual exploitation within a theoretical framework requires a multilayered evaluation of the dynamics of this phenomenon. Women are subjected to different societal treatment than men and they are more prone to poverty during times of economic recession. Women's sexuality has been a topic of heated debate, which invariably leads to the still unanswered question of whether women should be legally allowed to sell sex. The idea of commercial sexual services is closely related to the issue of patriarchy and giving men the right to women's bodies. Moreover, anti-trafficking laws, as well as society at large, reflect certain biases that further add to the theoretical framework of human trafficking. This section will provide an overview of many different theoretical angles from which human trafficking can be viewed. These theoretical frameworks are important for understanding why female victims might be subjected to further victimization when their trafficking situations end. Although this thesis does not compare the treatment of men and women under Polish law and the Polish system, the theories explaining the attitudes to women in general can help to shed light on the further victimization of the victims. Ideally, trafficking of men and women should be assessed within various theoretical frameworks, but this work only concentrates on addressing the treatment of female victims in law and in the process of its application.

The investigation of the root causes of human trafficking shows that this phenomenon is closely linked with economic and gender inequalities. In Europe, the geographical trafficking routes originate in post-communist countries, where people struggle with high unemployment and dismantled safety nets, and lead to wealthy

Western Europe (Wylie & McRedmond, 2010, p. 7). At the same time, people from post-communist states or other poor regions are in large part unskilled workers, who are unwelcome in the West (Ibid., p. 8). As a result, people turn to smugglers who promise to bring them into prosperous Western Europe. Unfortunately, many people, instead of experiencing the rich centers of globalization, fall prey to traffickers (Ibid., p. 8).

After the fall of Communism, women from post-Soviet states found themselves in especially difficult situations. In addition to overwhelming poverty as compared to Western Europe, women also had to deal with the not so glamorous reality of their every day life, where their sexuality and femininity had been suppressed for decades under the Communistic rule (Holmes, 2010, pp. 72-3). The West with its colorful advertising and less socially restrictive lifestyle looked very attractive for women brought up in Communism. This idealization of the West made many women vulnerable to traffickers' false promises of a prosperous life abroad (Ibid., p. 73).

The bad economic situation affected women more than men, which led to the phenomenon of the feminization of poverty. Many poor countries have labor markets oriented towards men, while women are left with limited opportunities to find a job (Wylie & McRedmond, 2010, p. 71). Under such conditions, many women may accept "sexual exploitative labor as a part of a family economic strategy" (Limoncelli, 2010, p. 150). This nearly helpless situation that women face makes them a highly vulnerable population and an easy target for traffickers. Many women, despite being aware of the potential risks of responding to prestigious job offers abroad, choose to migrate in search of better economic conditions. Moving to foreign countries in pursuit of better

opportunities is not a new occurrence, but in the past women used to migrate with their husbands and children, while today they go alone (Wylie & McRedmond, 2010, p. 71).

Migration to foreign countries and falling into the hands of traffickers link the human trafficking debate to the voluntary and involuntary nature of prostitution. Traditionally, trafficked women were treated as illegal immigrants and “undesirable others” instead of being regarded as victims of crime (Goodey, 2004, p. 32). Current anti-trafficking legislation separates “voluntary prostitutes” from “innocent victims of trafficking,” by which it establishes a division between “good” and “bad” women (Limoncelli, 2010, p. 153). Nevertheless, even if laws take sympathetic approaches towards the victims and offer them various benefits, societal attitudes towards trafficked individuals may be incongruent with what the laws suggest. For example, even today trafficked women are perceived, in their home countries as well as in the countries to which they were trafficked, as complicit in their own exploitation (Goodey, 2004, p. 33).

Negative attitudes to sex workers do not just end with accusing them of being responsible for their own exploitation, but they also extend to viewing them as dangerous individuals. For example, such negative attitudes towards sex work can be observed in an amendment to the Security Decree Law in Italy, in June of 2008. The chair of the Justice and Constitutional Affairs Committee of the Italian Senate proposed “to include prostitutes as a category of ‘dangerous persons to the security and public morality’— alongside traffickers” (Goodey, 2008, p. 434). Although the amendment was removed after a few days, it reflected a possible political reality of grouping illegal trafficked prostitutes in the same category as traffickers, and it showed the link between migration, crime and security (Ibid., p. 434).

The discussion about human trafficking is also related to the general position of women within society. For instance, in Albania, which is severely affected by human trafficking, women are often viewed as men's property. This inequality helps to understand Albanian men's propensity to sell their fellow female citizens into the sex trade (Holmes, 2010, pp. 74). Moreover, a position of women within criminal justice systems is concerning. For example, documents dealing with the crime of human trafficking, such as the Trafficking Protocol, reflect gender bias by placing emphasis on the protection of women and children who are perceived as the main victims (Breuil et al., 2011, p. 34). The position of women within the criminal justice system is generally worse than that of men because women are seen as the "other." Thus, for example, for trafficked women, discrimination related to their illegal status within the European Union is an additional prejudice alongside the already existing gender discrimination (Goodey, 2004, p. 33).

Furthermore, the link between human trafficking and prostitution can be further viewed through the idea of patriarchy. The debate oscillates around the issue of paying for using a woman's body (van den Anker & Doomernik, 2006, p. 48). At first, there seems to be a distinction between paying for the sexual services of a female who is "purchased" by her trafficker and will not keep the money, and entering into a sexual transaction with a self-employed prostitute (Ibid., p. 48). The latter case can be easily viewed as any other economic transaction. However, under economic contracts, both parties exercise equal rights, while in a transaction involving a payment for using a woman's body, "men's rights over women's bodies are systematically privileged," and even if women "exercise what appears to be free choice, they exercise it under systematic

limitations” (Ibid., p. 49). For instance, economic deprivation and the lack of opportunities for employment can push women into prostitution. Moreover, attitudes towards a woman who sells sexual services and a man who pays for them are not the same. Prostitutes have always carried the labels of “criminals” or “social deviants,” while men who use their services usually are not the objects of negative attitudes on a comparable scale (Goodey, 2004, p. 33). Thus, perceiving selling sex as any other economic transaction is a manifestation of a patriarchal system, which gives men the right to women’s bodies (van den Anker & Doornik, 2006, p. 49). Alternatively, in accordance to the neo-feminist school of thought, allowing women to accept payment for their sexual services can actually undermine patriarchy and liberate them because traditionally, women lacked ownership of their own reproductive services and sexual labor (Ibid., p. 50).

According to the radical feminist discourse, prostitution is always forced, and as such, it constitutes a form of slavery (Breuil et al., 2011, p. 33). This ideology questions men’s “right to purchase sexual labor,” but by focusing on gender exploitation it omits factors such as social class as well as ethnic and national inequalities which push women into prostitution and drive the international sex trade (Limoncelli, 2010, p. 154). For instance, fixating on gender issues leaves out the fact that poor women and women of color are overrepresented in the most dangerous levels of the international sex trade (Ibid., p. 150). The opposite approach holds that prostitution is a legitimate form of earning a living, and that the labor conditions under which it is performed determines whether engagement in sexual services is considered prostitution or a form of sexual exploitation (Breuil et al., 2011, p. 33). According to this stance, normalizing the

prostitution markets and providing for legal ways of immigration for women who want to provide sexual services would result in a decrease in human trafficking cases (Limoncelli, 2010, p. 153).

These debates and completely opposite stances on prostitution come across in radically different laws in two of the EU member states: Sweden and the Netherlands (Wylie & McRedmond, 2010, p. 9). Sweden, in its effort to fight human trafficking, criminalizes the demand for commercial sex instead of punishing the sellers of sexual services (Wylie & McRedmond, 2010, p. 9; Holmes, 2010, p. 116). Sweden claims that the root cause of human trafficking for sexual exploitation is the male's demand for sexual services (Holmes, 2010, p. 116). The Swedish model seems to assume that women never choose prostitution freely, and that only the clients of prostitutes should be criminalized for their actions because they exercise free choice (van den Anker & Doornik, 2006, p. 45). The approach taken by Sweden can be described as the prosecution model of dealing with human trafficking because it focuses on combating this crime through legal measures and prosecutes "all the elements involved with a trafficked person" while "victim protection measures [are] conditioned on the ability of victims to assist with law enforcement" (Holmes, 2010, p. 124).

Alternatively, the Netherlands legalized the sex industry under the conviction that this would protect sex workers from exploitation (Wylie & McRedmond, 2010, p. 9). However, the legalization of prostitution seems to increase the demand for human trafficking. First, many law-abiding men who would otherwise be scared of committing a crime, choose to use the services of prostitutes because it is not against the law (Holmes, 2010, p. 9). Second, criminal gangs find human trafficking more attractive than drug

trafficking or weapon trafficking since legalized prostitution decreases the risk of being caught for involvement in illegal activities (Ibid., p. 9).

Ultimately, in order to understand human trafficking for sexual exploitation and to acquire an understanding of female victims' position within the legal system and society, it is imperative to explore the relationship between this crime and economic factors, gender inequalities, patriarchy, and societal attitudes towards prostitution. The discussed theories help explain how the chain of victimizations begins and how it leads to the potential victimization done to the victims by the state through its legal system and laws.

Chapter II

Literature Review

To understand a situation of human trafficking victims one needs to carry out a multilayered evaluation including assessment the victims' needs and evaluation of anti-trafficking laws and policies designed to help trafficked individuals. Inclusion of the provisions securing benefits for the victims in the legal codes is a common practice, but their mere existence does not guarantee any protection to the survivors of trafficking. The way anti-trafficking laws are actually followed and implemented as well as societal attitudes towards trafficked victims often determine the extent of the actual help trafficked individuals can receive. When the victim's situation is compromised by the lack of enforcement of anti-trafficking laws further victimization takes place. When people who come into contact with the victims act on some prejudices and do not offer help that the victims are entitled to, the state is again failing by tolerating such situations. Consequently, victimization happens again.

Furthermore, the scarcity of research studies evaluating the health effects of human trafficking does not make it easier to design laws and policies that would take into account the specific situation of traumas endured by the victims. Understanding the mental needs of the victims, the psychological damage done to them during trafficking, and also realizing how little society knows about the health effects of this crime is crucial for preventing further victimization by formulating laws and policies that are well grounded in facts and research studies. In this section, the researcher explores the body of literature pertaining to the legal approaches of protecting the victims of human trafficking

taken by various nation states. Next, the section provides an overview of a very limited body of literature and empirical studies assessing the crime of human trafficking in Poland. Subsequently, the researcher reviews research studies on the effects of human trafficking.

Helping the Victims or Strengthening Security?

Without a doubt, survivors of human trafficking for sexual exploitation are a highly traumatized population. However, recognizing their victimhood is not automatic and is situated in a broader context of attitudes towards immigration and organized crime. Although the anti-trafficking laws acknowledge the need for services for the victims, the help is rarely unconditional because states view human trafficking as a security issue and, in that respect, the victim's testimony contributes to fighting organized crime. When security concerns are a priority, the victims' needs become secondary and human trafficking survivors are tools for prosecution of traffickers. When victims' needs are secondary further victimization takes place. Specifically, placing any conditions on the help to the victims furthers their victimization because the victims' harm is viewed as not severe enough to deserve help and the help is only offered as a form of a reward for cooperation with officials.

Moreover, the fact that the laws include provisions about helping the victims does not mean that those regulations are utilized in practice. The victims may be persuaded to act in ways that best benefit the state and not necessarily them, regardless of options they supposedly have according to the laws. It is hard not to call this state of affairs a further victimization because the victims' needs are not the primary concern. This section explores the treatment of the victims by law and various professionals who come into

contact with them, while simultaneously showing that helping the victims and addressing their needs is not a priority to the legal systems. Ultimately, this section shows different ways through which victimization takes place.

Before discussing any effects the laws may have on the victims, it is important to evaluate the language of current laws just from the linguistic point of view.

Unfortunately, the language of the existing legal provisions is not always very effective in communicating what victims should be entitled to. The best example of the lack of persuasive language is exhibited in the Palermo Protocol. One of the goals of the Protocol is to protect victims of human trafficking. Unfortunately, the language calling for this protection is weak and not mandatory.¹⁴ For instance, the lack of persuasiveness is demonstrated in the following provisions: “Each State Party shall consider implementing measures to provide for the physical, psychological, and social recovery of victims of trafficking in persons” (Palermo Protocol, p. 3), “...each State Party shall consider adopting legislative or other measures to permit victims of trafficking in person to remain in its territory, temporarily or permanently, in appropriate cases” (Ibid., p. 4), and “When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national...such return shall be...preferably voluntary” (Ibid., p. 4-5).

Providing protection and benefits to the victims is costly and requires resources, which makes states reluctant to really helping the victims. If the language of laws is not persuasive it does not make it likely that the states want to follow it. This in turn deprives the victims of help that they desperately need creating further victimization.

¹⁴ Women’s Commission for Refugee Women and Children, 2005, p. 8

Despite often imprecise language, it is fair to say that nearly every international law calls for protection of victims of human trafficking. However, protection of the victims is listed among two other key areas of anti-trafficking legislation: prevention and prosecution, and priority is given to prosecution (Goodey, 2004, p. 35). Protection and assistance to the victims can be provided in the forms of social and criminal justice responses (Ibid., p. 31). Social responses incorporate: “short-term residence permits; housing; welfare payments; education, employment; and health care” (Goodey, 2004, p. 31). Criminal justice responses include the following: restitution from the state and/or from the offender, providing the victims with information about the progress of their cases, and a “witness protection package” with benefits such as “police protection for the duration of the case; right to testify away from open court and anonymously, change of identity, relocation of victim and/or family, either within a State or to another State” (Goodey, 2004, p. 31). The idea of offering witness protection to the victims lies in the fact that human trafficking often constitutes an organized crime and those who testify against crime rings are often severely punished (Goodey, 2003b, p. 168). Thus, trafficking victims who testify against their perpetrators need protection (Ibid., p. 168). Victim protection offered in exchange for testimony can be seen as a mutual benefit for both the victim and the criminal justice system (Ibid., p. 168). However, there are clear limitations.

First, witness protection in human trafficking cases often does not secure convictions because the victims usually are only able to provide limited information about a very limited number of traffickers (Goodey, 2003b, p. 169). Second, the benefits for the victims that come with testifying might be limited. To begin with, victims are

often terrified to testify for fear of violence and retaliation from their traffickers (Ibid., p. 169). Some women also fear that their engagement in prostitution will be revealed to their family members, which could result in rejection from their communities (Ibid., p. 169). Next, the benefits are usually only offered for the duration of the case and only in the country where the victim testifies (Ibid., p. 169). After the time when trafficked individuals are allowed to temporarily stay in the country, they are sent home according to the idea of repatriation, which is understood as a way of supporting or assisting the victims (Holmes, 2010, p. 46). Based on the fact that repatriation is employed towards victims who are illegal non-citizens and who would otherwise be subjected to deportation, the repatriation process can be viewed as a more desirable legal solution than deportation (Ibid., p. 48).

The idea of repatriation is not based on a comprehensive assessment of victims' needs, but "in the name of protecting and supporting victims" it rather assumes that returning home is the best outcome for trafficked individuals (Holmes, 2010, p. 50-51). The stress placed on repatriation shows that the victims are "always, first and foremost, positioned as 'other'-as non-citizens to whom the country of destination has limited responsibilities (Ibid., p. 50). Drawing inferences about victims' needs and stating that returning home is best for the victims deprives them of their own voice in the decision making process concerning their well-being and assumes that one size fits all. Thus, further victimization is created.

The requirement of testifying against traffickers in order to qualify for benefits is yet another way of imposing further victimization on the victims. Testifying against traffickers constitutes a barrier to receiving assistance because under the jurisdiction of

many EU member states, social benefits are provided to the victims only after they agree to testify against their traffickers (Goodey, 2004, p. 31). However, from the standpoint of national security, the problem with providing substantial benefits to the victims, especially permits to remain in a country, may be viewed as incentives fueling illegal immigration (Goodey, 2003a, p. 169). On the other hand, without the assistance, victims are vulnerable to re-trafficking (Goodey, 2003b, p. 169).

The victim's status as citizen or non-citizen within the European Union gives rise to different categories of "victimhood" and a person's "eligibility for victim status" (Goodey, 2003b, p. 167). The victims of human trafficking fall "into a no man's land between criminal and victim status" due to their "association with criminal elements; their illegal entry into the EU; their 'work' as prostitutes; and the unequal distribution of victims' rights in the EU" (Goodey, 2003b, p. 167). For many victims who enter the European Union legally, for example by using tourist visas, their status eventually changes to the illegal one when their documents expire or when they undertake employment against the rules of their visas (Holmes, 2010, p. 11). Thus, when that happens, they theoretically break the law, become illegal immigrants, and they are deprived of even minimal legal rights (Ibid., p. 11).

The legal and political response to human trafficking among the EU members reflects the concerns over illegal immigration and organized crime (Goodey, 2004, p. 32). The terrorist attack of 9/11 led to enhanced control of illegal immigration, which thereafter was linked with terrorism (Ibid., p. 32). Moreover, the case of the United Kingdom shows how anti-trafficking laws reflect the underling goals of strengthening national security at the cost of helping the victims. Although the United Kingdom makes

efforts to combat human trafficking, it does not offer legal protection to the victims.¹⁵

Legal benefits can only be obtained if the victim qualifies for asylum or humanitarian protection.¹⁶

This lack of protection for the victims can be explained by the United Kingdom's stance on human trafficking, which the country perceives as a migration problem (Wylie & McRedmond, 2010, p. 164). O'Connell Davidson (2006) describes the reality of raids on prostitution establishments, which result in the low number of individuals classified as victims of human trafficking (p. 5). The author states that "Upon contact with the authorities, the huge and growing numbers of trafficking victims in need of protection have a habit of transforming into 'illegal immigrants' who must be summarily deported" (O'Connell Davidson, 2006, p. 6). A similar attitude is shown by the UK police and immigration personnel who are more preoccupied with deportation of those who illegally reside in the country than with helping the victims of human trafficking (Wylie & McRedmond, 2010, p. 166). It is hard not to call such treatment of the victims as their further victimization.

The United Kingdom hesitated for over two years to sign the European Convention on Action Against Human Trafficking, which would guarantee a reflection period for identified trafficking victims (Wylie & McRedmond, 2010, p. 166). The United Kingdom's reluctance to adopt this convention can be explained by its concerns over illegal immigration (Ibid., p. 166). In light of policies, such as the one in the United Kingdom, of sending the victims home it is imperative to explore the reasons why certain

¹⁵ Women's Commission for Refugee Women and Children, 2005, p. 14

¹⁶ Ibid.

human trafficking victims want to stay in a foreign country after their trafficking situation ends rather than to return to their home communities.

Jobe conducted a study on 23 women who accessed services through the POPPY Project, an organization in London assisting victims of human trafficking (Wylie & McRedmond, 2010, p. 167). The researched women recounted that their preference to stay in the UK was motivated by a fear of being re-trafficked as opposed to their free will (Ibid., p. 176). All these women were either asylum seekers or they applied for humanitarian protection, which would grant them refugee status. Moreover, the interviewed participants stated that the asylum process had detrimental effects and undermined their ability to cope with traumas experienced during trafficking (Ibid., p. 176). This study, despite its small pool of participants, is extremely important for the understanding of how anti-trafficking laws and policies affect the victims. Putting the survivors through lengthy legal procedures while offering them little help to recover may be counterproductive for the purpose of strengthening national security, especially if a large portion of women who are sent back to their home countries is re-trafficked. This is supported by studies that indicate that the victims have a 50 percent chance of being re-trafficked (Bailliet, 2006, p. 28).

Some asylum seekers openly admitted during court proceedings the risk of being re-trafficked upon return to their home countries, yet sending the victim back is still a very common practice (Holmes, 2010, p. 109). Unfortunately, due to social structures and stigma attached to prostitution, forced or voluntary, many victims are unable to successfully re-integrate into their societies and become easy targets for another trafficking situation (Ibid., pp. 108-110). For instance, in Albania, traffickers use the fact

that a woman was previously trafficked and induce compliance by threats of revealing the truth of her past to her family (Ibid., p. 109). Other women rejected by Albanian society seek traffickers themselves in order to be smuggled abroad where they hope to gain asylum or find a foreign husband. However, these women find themselves again in a situation of enslavement due to various debts imposed on them by traffickers (Ibid., pp. 111-112). As a result, both of those scenarios result in re-trafficking.

The fear of illegal migration among EU members can also be observed in legal responses and policies, which on the surface resemble anti-trafficking measures. For instance during the 2006 World Cup in Germany, moral panic took over society and numerous groups and governmental bodies launched a campaign to protect women from falling into the hands of traffickers (Holmes, 2010, p. 42-43). This intervention encouraged women to stay at home as the best preventive anti-trafficking strategy (Ibid., p. 43). EU Chief Justice Frattini called for strict visa control from all non-EU members, including states for which visa requirements had been previously lifted (Ibid., p. 44). He further claimed that visa applications from women from countries suspected for being breeding grounds for forced prostitution should be checked thoroughly because women often lie on the applications (Ibid., p. 44). Moreover, Frattini argued that individuals who might potentially “compromise public order” should be refused entry to the European Union (Holmes, 2010, p. 44). Thus, the increased possibility of being trafficked allegedly created by the World Cup was utilized to impose restrictions on women’s mobility and could be viewed as an anti-migration tool (Ibid., p. 43-44).

Goodey (2004) undertook a widespread study examining responses of the criminal justice systems to the needs of the victims of sex trafficking in 15 EU member

states. The researcher submitted a comprehensive questionnaire to 130 criminal justice experts, including nongovernmental organizations, governmental officials, and police officers from each of the studied countries (Goodey, 2004, p. 29). Based on the received responses, he critically evaluated the treatment of the victims of sexual exploitation in Italy, Austria, Belgium, the Netherlands, Germany, England and Wales, Finland, and France. The limitation of the study was its rather low response rate of 50 percent, which might have affected the representativeness of responses.

Goodey's (2004) research showed that within the studied countries, the victims only had access to criminal justice and social services when they testified against their traffickers. Although there seemed to be exceptions to this requirement, for example in Italian law, the practice proved to the contrary. The respondents stated that: "women are effectively obligated to testify by the Italian State although the law in the books might indicate otherwise" (Goodey, 2004, p. 37). The researcher argued that the requirement of testifying places an unnecessary strain on the victims and puts them in unwarranted danger considering the low conviction rate in trafficking cases (Ibid., p. 39).

The body of the existing literature suggests that the idea of helping the victims is complex and despite laws offering protection, the practice may prove that such regulations are not really designed to help the victims, such as in the case of Italy. The complexity of the evaluation of human trafficking victims comes from the fact that in order to understand their situation one needs to look at the laws, the language of those laws, how the laws are utilized, and how societal attitudes affect the victims. Because each of those factors is a potential source of further victimization it is imperative to base the understanding of them on empirical studies. Only through research studies is it

possible to have reliable information about how anti-trafficking laws are utilized, whether their goals of helping the victims are met, and to understand what implications those laws have on the well-being of the victims.

Human trafficking in Poland

Unfortunately, the existing literature does not give much attention to Polish laws and to the situation of the victims in Poland. Considering the fact that Poland is a source, transit, and destination country for human trafficking, more studies targeting this country are necessary. There are however some efforts to understand human trafficking in Poland especially undertaken by Fundacja La Strada and the Ministry of Interior and Administration of Poland. This section first presents an overview of human trafficking in Poland from the criminal perspective by providing information about legal outcomes of the efforts to combat this crime. Second, it describes a valuable study conducted in 2007, which sheds light on how the crime of human trafficking is addressed by the Polish legal system.

Between 1998 and 2008, the National Prosecutor's Office conducted 487 investigations of human trafficking cases.¹⁷ Nearly 70 percent of them resulted in pressed charges.¹⁸ Until 2006, Polish criminal courts convicted 33 persons under article 204§4 and 77 persons under article 253§1 (Wylie & McRedmond, 2010, pp. 64-68). In both cases the offenders were mainly Polish men (Ibid., pp. 64-68). Between 2001 and 2008, over 80 percent of individuals accused of the crime of trafficking were of Polish

¹⁷ Ministerstwo Spraw Wewnętrznych i Administracji (Polish Ministry of Internal Affairs), 2009, p. 36.

¹⁸ Ibid.

nationality while the majority of those who were foreign citizens came from Ukraine and Bulgaria.¹⁹

Unfortunately, a high proportion of investigations of human trafficking crimes are dropped. Out of 487 investigations, carried out between 1998 and 2008, 149 (30.6%) were discontinued.²⁰ However, the last two years, 2007 and 2008, for which statistics are available, are characterized by a much higher proportion of dropped cases. The percentage of discontinued cases in 2007 was 41.6, while in 2008, the percentage of discontinued cases was 47.2.²¹ The main reasons for discontinuation of the cases are the lack of evidence that the crime took place (about 81 percent of the cases) and the inability to find an offender (about 19 percent of the cases).²² When it comes to the number of trafficked individuals, data reveals that between 1998 and 2007 there had been on average 165 identified victims annually.²³ The year 2008 was characterized by a significantly larger number of identified victims (n=315).²⁴ Unfortunately, the statistical data compiled by various Polish bodies, such as the police, the National Prosecutor's Office, and Polish courts do not distinguish between different forms of human trafficking and only provide a general overview of the scale of this crime.²⁵

The statistical data about the number of convictions under the Polish legal provisions that exclusively address the crime of human trafficking might not be accurate. The reason for it lies in the fact that the line separating cases classified as human trafficking incidences from other cases that might be similar in nature is really thin.

¹⁹ Ministerstwo Spraw Wewnętrznych i Administracji (Polish Ministry of Internal Affairs), 2009, p. 38

²⁰ Ibid., p. 36

²¹ Ibid., p. 37.

²² Ibid., p. 36.

²³ Ibid., p. 39.

²⁴ Ibid., p. 39.

²⁵ Ibid., pp. 31- 47.

Consequently, some cases, which qualify under the law as human trafficking crimes, can be dealt with and classified as other offenses.²⁶ For example, between 1998 and 2008, there were 428 identified crimes of forcing to prostitution and some of those cases could have actually been cases of human trafficking.²⁷ This situation poses a serious risk of misclassification, which in turn creates the danger of having very inaccurate statistics on the scope of human trafficking in Poland. Thus, it is important to assess statistics from crimes that are related to human trafficking in addition to the evaluation of the crimes classified as human trafficking cases.

One of sources that provide some information about the crime of human trafficking and how it is addressed by the legal system was a study conducted in 2007. This study, which was partially founded by the Ministry of Interior and Administration of Poland, collected information from three different sources and aimed to describe the situation of the victims in Poland.²⁸ First, the study analyzed 26 court cases involving 58 victims of human trafficking. Second, the researchers reviewed 24 files, prepared by the prosecutors, on the cases that ended in a decision to either discontinue the case or not to proceed with the case at all. The most frequent reason for discontinuing the cases was the inability to find the trafficker. Third, the researchers interviewed 17 victims who refused to testify against their traffickers. All victims in the three stages of this research were women.²⁹

The part of the research which was based on the evaluation of the court cases revealed that 50 percent of the proceedings against the traffickers were initiated within 10

²⁶ Ibid., p. 33.

²⁷ Ibid., p. 33.

²⁸ La Strada (2007) Monitoring of the observance of human rights with regard to victims of human trafficking, p. 2.

²⁹ Ibid.

days from the time when the victim testified. However, the longest time was 660 days. On average the victims were questioned only once or twice, but one of the women needed to testify seven times. Interrogations were conducted almost exclusively in the presence of men. Thus, personnel who questioned the victims, interpreters, and psychologists were men. Moreover, almost half of the victims had direct contacts with their traffickers while testifying. The researchers wondered whether the victims were aware of their rights because none of them filed any motions, such as the motion for remedy of the damages they sustained. Moreover, only one of the victims had her own attorney appointed by the court.³⁰ Two other women requested lawyers to represent them, but their motions were denied on the ground that accepting their requests “would not be in interest of the administration of justice.” Moreover, data analysis revealed that in the cases involving nearly 50 percent of the women, the first verdict in their cases was given within six months from the first court hearing while for 35 percent the verdict was given between six and 12 months from the time of the first hearing.³¹

Some of the testifying victims (n = 58) had pending charges against them. Ten of the victims were charged with crossing the Polish border illegally, while one was charged with using false documents. Five of those women were convicted with three receiving a suspended prison sentence. Almost 20 percent of the victims were minors between the ages of 16 and 18.³²

During the second stage of the study, where the researchers examined discontinued cases, alarming results emerged. To begin with, only half of the foreign

³⁰ La Strada (2007) Monitoring of the observance of human rights with regard to victims of human trafficking, pp. 5-6.

³¹ Ibid., p. 7.

³² Ibid., p. 7.

victims were questioned in the presence of an interpreter. It would be hard to assume that the other half was sufficiently fluent in Polish to be able to understand the proceedings. The researchers noted that later in the proceeding it was apparent that one victim did not have adequate command of Polish to testify in that language. Furthermore, the results indicated that the victims had to undergo multiple hearings, during which they were never provided with psychological help and they were not accompanied by an attorney. The most worrisome fact is that that some of the proceedings lasted for as long as five to ten years.³³

In the last stage of the study, the researchers interviewed 17 victims who refused to testify at a court hearing, but who did testify at a police station. Out of those 17 women, 13 were not aware of their victim status. Fourteen of them said that their traffickers threatened them with violence, which discouraged them from testifying. The majority of the victims experienced rejection from their communities when the truth about their trafficking situation was revealed.

As previously stated, data on human trafficking in Poland is very limited. Nevertheless, the discussed study offered at least some information about the treatment of the victims in the Polish legal system. This study also allows to infer that the victims in Poland might be subjected to further victimization. Not being provided with an attorney, being questioned without an interpreter, and being refused legal representation are clear situations when further harm to the victims might be taking place.

³³ Ibid., pp. 4 – 5.

Effects of Human Trafficking on the Victims

Human trafficking victims may suffer from many psychological and medical problems after their trafficking situations end. A trafficking situation may last for a long time, leaving deep psychological wounds. Providing the victims with help to address those needs is crucial. The trauma of trafficking may make reintegration in victims' home countries virtually impossible, which can result in the increased risk of being re-trafficked. Furthermore, if countries stress prosecution of traffickers, testimonies from the victims are essential for obtaining a conviction. However, trafficked individuals who do not receive adequate care after their trafficking situations end may not be mentally capable to testify against their perpetrators.

However, helping the victims is easier said than done because the knowledge of the psychological effects of human trafficking is insufficient. The body of research studies examining mental health effects of human trafficking is extremely scarce, which does not allow for drawing definite conclusions about the needs of the victims. Countries may not be intentionally denying trafficked individuals the help they need, but it does not change the fact that when the victims' mental and medical needs are not addressed they may be further victimized. This section will present research studies which attempted to evaluate the health effects of human trafficking on the victims.

One of the studies undertaking a qualitative assessment of health symptoms suffered by trafficked victims was conducted by Zimmerman et al., (2008). This study concentrated on evaluation of physical symptoms and mental health status of human trafficking victims after their trafficking situations ended. Between January 2004 and June 2005, the researchers interviewed 192 women who were in the assistance programs

provided by nongovernmental and international organizations in Belgium, Bulgaria, Czech Republic, Italy, Moldavia, Ukraine, and the United Kingdom. All of the participants were females between the ages of 15 and 45. Zimmerman et al., (2008) used standardized measurement scales to check for depression, anxiety, and hostility. The eligibility criteria for the participation in the study included being in the assistance program for less than 14 days and being a victim of human trafficking for the purpose of forced labor or sexual exploitation.

The study revealed that a significant portion of the participants (59 percent) experienced physical and sexual violence before they were trafficked. While in a trafficking situation, 76 percent of females reported physical abuse while 90 percent claimed to be sexually exploited (Zimmerman et al., 2008, p. 56). The participants were asked about 26 physical symptoms experienced within two weeks preceding the interview and how much they were bothered by those symptoms. Among the most frequently reported problems were headaches (experienced by 82 percent of females), feeling easily tired (81%), dizzy spells (70%), back pain (69%), difficulty with memory (62%), and stomach pain (61%). Moreover, 63 percent of studied victims suffered from more than 10 concurrent physical problems. The evaluation of psychological symptoms showed that depression was the most common problem and that 39 percent of interviewees reported suicidal thoughts within the last seven days (Ibid., p. 57).

This study provided essential information about the health consequences of human trafficking. Unfortunately, the studied sample constituted just a small fraction of human trafficking victims because the researchers evaluated only those survivors who received post-trafficking services. This carries a danger of obtaining results that are not

representative of the general population of trafficked women. For example, victims who seek help may be psychologically stronger and more determined to recover from their traumas. Thus, the severity of their symptoms may be lower than those among other victims of human trafficking. Alternatively, it also might be true that the victims who receive post-trafficking services experienced more problems than the average victim and that is why they asked for help.

A similar study, also checking for the health effects of human trafficking, was carried out by Zimmerman et al., (2006). The researchers conducted a study on 207 trafficked women who were receiving support services in six European cities: Chisinau, Brussels, Kiev, Sofia, London, and Martinsicuro (Zimmerman et al., 2006, p. 6). Participating women were either victims of trafficking for sexual exploitation or they were sexually abused while working as domestic servants. The study was completed in three phases. The first interviews took place between 0 to 14 days since the victim entered a post-trafficking assistance program. The second interviews were conducted between 28 and 56 days after entry into a program, and the last series of interviews was carried out at least 90 days after the victim started to receive services (Ibid., p.7). The aim of the research was to obtain data on perceived physical and psychological health symptoms of the victims of human trafficking and to identify symptom patterns and the most pressing needs of the survivors.

The researchers found that 40 percent of the participants were held in captivity for a period ranging from three months to one year while for 20 percent of the respondents their trafficking situation lasted longer than a year (Zimmerman et al., 2006, p. 8). During trafficking, the victims were subjected to a high level of violence. Zimmerman et al.,

(2006) identified that 76 percent of respondents experienced physical violence, which included “being kicked while pregnant, burned with cigarettes, having their head slammed against floors or walls, hit with bats or other objects, dragged across the room by their hair, and punched in the face” (Zimmerman et al., 2006, p. 10). The psychological impact of trafficking often resulted in multiple mental health problems suffered over long periods of time. Within the first 14 days immediately following the end of the trafficking situations, over 70 percent of the interviewed victims admitted to experiencing 10 or more mental health symptoms associated with anxiety, depression, and hostility. Even after 28 days, 52 percent of respondents still experienced 10 or more concurrent psychological problems (Ibid., p. 12). Reported anxiety symptoms included restlessness, fearfulness, and nervousness. Some of the symptoms related to depression were hopelessness about the future, no interest, and suicidal thoughts. Among symptoms linked to hostility, respondents reported urges to beat, injure or hurt someone and easy annoyance.

Furthermore, right after the trafficking situations ended, 56 percent of the participants reported symptoms suggesting that they suffered from Posttraumatic Stress Disorder (PTSD). Even 90 days later, six percent of the sample reported symptoms indicative of PTSD. The researchers emphasized that the levels of mental health symptoms of trafficked victims were much higher than those experienced by the general population, and even after 90 days when the problems subsided, they still remained at the much higher level (Ibid., p. 17).

The strength of this study was its longitudinal approach. Additionally, the relatively large sample size provided for a better representativeness of the results.

However, just as with other studies on human trafficking, this research has a number of limitations, such as the lack of random sampling, studying only the victims who receive services through various institutions, and relying on questionnaires as opposed to using clinical examinations of the studied women. This study demonstrates that survivors of human trafficking suffer from a wide array of problems and that they need professional attention to cope with endured traumas. Helping the victims is not only for their sole benefit because participation in legal proceedings, such as testifying against traffickers, often depends on emotional capabilities (Zimmerman et al., 2006, p. 22). Thus, helping the victims can actually help to fight the crime of trafficking and strengthen national security.

Another research study evaluating the mental health status of human trafficking victims was conducted by Hossain et al., (2010). The researchers carried out a study in which they tried to identify symptoms of common mental disorders among females trafficked for the purpose of sexual exploitation. They were specifically looking for signs of anxiety, depression, and PTSD (Hossain et al., 2012, p. 2443). Moreover, the researchers wanted to identify whether psychological problems experienced by the survivors could be a direct consequence of violence experienced during trafficking as opposed to violence to which the victims were exposed prior to being trafficked. In order to qualify for the study, a potential participant had to experience sexual exploitation while being trafficked and a trained support worker had to declare that she was emotionally able to take part in an interview process (Ibid., p. 2243-2245)

Hossain et al., (2010) interviewed 204 women and girls between the ages of 15 and 45 who were receiving post-trafficking services in seven countries: Belgium,

Bulgaria, the Czech Republic, Italy, and the United Kingdom (Hossain et al., 2012, p. 2443). The researchers did not randomly select the participants; but rather, they invited every female entering post-trafficking services in their chosen locations between January 2004 and June 2005 to participate in the study. Hossain et al., (2010) used a self-developed questionnaire, in which women were asked about their experiences with physical and sexual violence prior to being trafficked. Additionally, the researchers used existing screening instruments in order to measure mental health symptoms (Ibid., p.2243).

Data analyses showed that 80 percent of the participants were subjected to high levels of sexual and physical violence prior to their trafficking situation (Ibid., p. 2244). The researchers also found that there was no correlation between violence experienced prior to being trafficked and mental health symptoms suffered at the time of the study. Moreover, data analyses demonstrated that the level of mental problems experienced by the participants was significantly higher than those found in the general population. Fifty-five percent of them exhibited high levels of depression symptoms, 48 percent showed signs of anxiety, and 77 percent possibly suffered from PTSD. Fifty-seven percent of studied females were comorbid for anxiety, depression, and PTSD. Interestingly, experiencing symptoms of depression or anxiety in isolation from other problems was very rare. For instance, women who only suffered from depression constituted 1.6 percent of the studied sample, while there was only one participant who showed signs of anxiety and did not exhibit signs of other problems (Ibid., p. 2244-2247).

Moreover, physical injuries during trafficking were positively correlated with experiencing symptoms of anxiety, depression, and PTSD (Hossain et al., 2010, p. 2246).

The findings also showed that spending at least six months in trafficking circumstances was associated with the prevalence and severity of mental health symptoms. For example, victims who were exploited for at least six months were twice more likely to suffer from higher levels of depression and anxiety than females who spent less than six months in captivity. This suggests that the longer a trafficking situation lasts the more severe the mental consequences for the victim. Hossain et al., (2010) also found that sexual violence during trafficking was related to higher risks of PTSD. Furthermore, data analyses showed that the length of time since the trafficking had ended was associated with a decrease in the prevalence of anxiety and depression, but there was no change observed in the rate of PTSD (Ibid., p. 2245-2247).

This research is important in the field of human trafficking because it provides quantitative data from a large number of participants. However, this study has a number of limitations. First, similar to the previously discussed studies by Zimmerman et al., (2008) and by Zimmerman et al., (2006), the researchers studied only trafficked women who were receiving post-traumatic services. As previously mentioned, this carries danger of non-representative results.

The second limitation of the study relates to the lack of random selection of participants. The researchers invited every willing female survivor to participate in the study, which could result in a pool of participants with distinguished characteristics. For instance, it could have happened that only females with less severe mental problems agreed to participate, making their responses non representative to the general population of women trafficked for sexual exploitation. However, the fact that the researchers carried out their study in six different countries increases the representativeness of

trafficked women's experiences. Lastly, the researchers interviewed their participants only once, so this study does not provide any information about the long-term effects of human trafficking.

An additional study pertaining to human trafficking was executed by Tsutsumi et al., (2008). The researchers conducted a study on female survivors of human trafficking who returned to their home country, Nepal, and who were receiving support from governmentally authorized local organizations in Katmandu, the capital city of the country. Out of 200 victims who were receiving services from those organizations at the time of this research, 164 females agreed to participate (Tsutsumi et al., 2008, p. 1843). Depending on the nature of experienced trafficking, the participants were categorized as either sex workers (n=44) or non-sex workers (n=120). The study had a response rate of 82 percent. In addition to the questions asking about participants' demographics and aspects of their trafficking circumstances, the researchers used standardized instruments to check for symptoms of depression, anxiety, and PTSD (Ibid.).

The findings showed that the participants in the sex worker group were between the ages of 11 and 38, and they were trafficked for periods ranging from 2 to 144 months with a mean duration of 29.7 months (Ibid., p. 1844). Non-sex workers were between the ages of 15 and 44, and their trafficking situation lasted between 1 and 168 months with a mean duration of 54.3 months. Evaluation of mental health symptoms revealed that 100 percent of participants classified as sex workers exhibited symptoms of depression as compared to 81 percent of females from the non-sex work group. Anxiety symptoms were reported by 97.7 percent of those classified as sex workers and by 87.5 percent of those from non-sex worker groups. However, data analyses showed that there was no

significant difference in terms of anxiety symptoms between the two groups. Lastly, 29.5 percent of females trafficked for sexual exploitation showed symptoms of PTSD while only 7.5 percent of participants from the non-sex worker group reported symptoms indicative of this health problem (Ibid., 1844-1845).

The strength of this research, as compared to the other studies, was its pilot study. The researchers emphasized that their pilot study led to the revision of used instruments. Moreover, this research is important because it compares the mental health of trafficked victims for sexual exploitation to those trafficked for other purposes. This study also has a number of limitations in common with the previously discussed research studies. First, the study relied only on standardized scales and the participants were not evaluated by trained psychologists. Thus, the study's results concerning mental health symptoms do not render clinical diagnosis of problems characteristic to the victims of human trafficking. Furthermore, the participants were of a low literacy rate, which forced the researchers to employ narrative interviews. Although the individuals conducting the interviews received training, there is still a possibility that they influenced the responses from respondents since they were not professionals working with vulnerable populations. Additionally, as emphasized by the researchers, the comparison between symptoms reported by the sex-worker group and the non-sex worker group might not be accurate because some females classified as non-sex workers could have hidden their sexual exploitation especially since prostitution is stigmatized in Nepal.

A study by Acharya and Clark (2010) took an uncommon approach in their research because they studied the victims whose trafficking situation had not yet ended. In order to recruit participants, the researchers went to one of the brothels located in the

city of Monterrey in Mexico (Acharya and Clark, 2010, p. 418). They asked one of the sex workers for help in locating trafficked women. This woman became the researchers' paid informant and agreed to seek out trafficked victims and arrange interviews with them. In order to gain access to the referred victims, Acharya and Clark (2010) hid their identity and posed as clients. Some of the interviewed women also helped the researchers to locate other trafficked females (Ibid.). Ultimately, the researchers were able to interview 20 women during the years of 2007 and 2008.

Acharya and Clark (2010) concentrated in their interviews on gaining information about women's background information, life in the brothel, endured sexual and physical violence, and the physical and psychological consequences of trafficking. The researchers found that 17 out of 20 interviewed victims experienced unwanted pregnancies and chose abortions (Ibid., p. 423). Six women reported termination of their pregnancies more than two times. Difficulties with sleeping, fever, and back pains were among the most common health problems recounted by the victims. Moreover, some women stated that they suffered from abdominal pains, bleeding after intercourse, and a burning sensation while urinating. Furthermore, interviewed women indicated a constant fear of violence from their pimps (Ibid.).

The uniqueness of this study lies in its intrusion into brothels and obtaining first-hand experiences regarding traumas, violence, and health consequences of trafficking. However, this study lacks precise numerical information about the extent of particular experiences of trafficked women. The researchers only vaguely stated what "some" and "most" women said without providing details about how many women they referred to. Furthermore, the researchers only interviewed women who were referred to them, which

undermines the generalization of obtained findings to the larger population of trafficked women.

One of the most comprehensive research studies on human trafficking was conducted by Raymond and Hughes (2001). The pool of participants included 128 individuals representing a variety of backgrounds. The researchers interviewed women who had been or were in the sex industry in the United States (n=40), law enforcement officials who come in contact with the victims, social service providers, academic researchers, and journalists. The researchers studied the social impact of trafficking in terms of violence, crime, and the health consequences (Raymond and Hughes, 2001, p. 8).

One problem with this research is the fact that the information obtained from 40 women who had been or were in the sex industry was potentially lacking value in terms of understanding the effects of human trafficking because not all of them met the definition of a victim of human trafficking. Although the researchers stated that all of them experienced sexual exploitation, they did not make it clear how many of them were actually classified as trafficking victims. This fact significantly lowers the value of Raymond and Hughes' (2001) research for the purpose of understanding mental health problems suffered by the victims.

When evaluating the answer from women who had been or were in the sex industry, the researchers mainly concentrated on comparing the experiences of foreign-born participants to those who were born in the United States. The study assessed differences in terms of experiencing violence prior to the involvement in the sex industry, traumas endured during that involvement, and its psychological impact. Data analysis

showed that 31 percent of foreign-born women and 64 percent of U.S. born women admitted to having suicidal thoughts, and 69 percent of international and 36 percent of U.S. women reported feelings of anger and rage (Ibid., p. 83). Furthermore, 15 percent of foreign-born women and 14 percent of U.S. women stated that they felt sad or depressed.

Understanding the impact of human trafficking is essential in providing adequate care for the victims. As the study by Hossain et al., (2010) demonstrated, the length of the trafficking situation may have an effect on the severity of mental problems experienced by the victims. Thus, anti-trafficking laws and public policy should be sensitive to such findings because some victims may need special care and a longer period of time to deal with their traumas than just the three month period offered by some countries, if offered at all. Currently, anti-trafficking laws provide benefits to the victims who agree to testify against their traffickers. Awareness of mental capacities of trafficked individuals can help design laws that reflect their psychological needs and provide mechanisms allowing for recovery.

At the same time, if a state has the goal of prosecuting traffickers in the name of national security, having laws that account for the victims' needs may be an effective strategy for obtaining victims' participation in the criminal proceedings, which is necessary for the successful prosecution of traffickers. As the study by Zimmerman et al., (2006) demonstrated, a large proportion of studied trafficked victims reported memory problems, which can prove to be problematic if a state wants to pursue a criminal investigation. Requiring an immediate engagement from the victims in cases against their traffickers can be counterproductive as women may be unable to recall vital information.

Ultimately, this chapter also demonstrated many different ways in which victims can be subjected to further victimization. Further victimization happens because of laws and policies that treat the victim as a tool for the prosecution of traffickers. Trafficked females are victimized when they are subjected to unnecessary interviews with officials, especially because the majority of them are men. Further victimization takes place when the victims are not offered any help to deal with the traumas of their trafficking.

Examples can really be countless, but some forms of further victimization are of greater importance than others. At the end, it is the sum of various ways in which the victims are further victimized that allows to make a judgment that a country further victimizes the victim of human trafficking. Infrequent mistreatment of trafficked individuals is not enough to state that a country further victimizes the victims. Of course, one must ask whether a country is even obligated to do anything not to cause further victimization of trafficking females. The help provided to the victims can be understood through the idea of duty, because without the demand for human trafficking created by a country's citizens, there would be no victims. Thus, because citizens are the ones who sexually exploit the trafficked individuals, the country owes the victims support.

Chapter III

Data Analysis and Results

The research was twofold. The first stage was based on conducting interviews with people who worked for two organizations in Poland which address human trafficking issues. The second part was the analysis of files, compiled by Fundacja La Strada, which contained information on human trafficking victims who received help from this organization. In this chapter, the researcher first presents data analyses of open- and close-ended questions from the surveys, including basic information about participants' demographics. Then, the researcher presents data analysis of the information gathered from the files compiled by La Strada. Finally, the researcher offers three stories told by various employees of La Strada, which served as supplemental material to the information obtained from the files.

First Stage of the Research - Interviews

Location

The interviews took place in June and July of 2012 and were conducted with employees of Fundacja La Strada in Warsaw, Poland, and with staff members at the Halina Niec Legal Aid Centre in Cracow, Poland.

Participants

A total of 16 participants took part in the study. The researcher interviewed every employee of La Strada (n = 13) and only selected employees of the Halina Niec Legal Aid Centre (n = 3) who had some experience of working with human trafficking victims.

While Fundacja La Strada is fully devoted to working on human trafficking issues, the Halina Niec Legal Aid Centre specializes in working with refugees and occasionally helps victims of human trafficking.

Measurement Instruments

Measurement instruments included open- and close-ended questions designed by the researcher. The questionnaires were available both in Polish and English and the participants could choose which version they preferred to fill out. In addition to the questions pertaining to human trafficking, the surveys included basic demographic questions, such as the time of employment at the respective organization and the participant's educational level. From the standpoint of the research question and the researcher's hypothesis, the most important parts of the surveys were questions asking whether the participants believed that Polish laws mistreat victims of human trafficking and what are the shortcomings of Polish laws related to this crime. See Appendix I (English version) and Appendix II (Polish version) for the questionnaires.

Data Collection/Procedure

All of the interviews with La Strada's employees were conducted within one week while the interviews in the Halina Niec Legal Aid Centre took place in one day during the same week when respondents in La Strada were interviewed. All the interviews were conducted by the researcher only and they took place either late in the morning or in the early afternoon. These steps helped to reduce the possibility that the variation in participants' responses significantly reflected their tiredness or stress level that might be associated with different times of a month or with different times of the

day. The interviews took place in a private space, such as an empty room, behind a closed door.

After signing the consent forms, each of the participants was asked whether she preferred to fill out a Polish or English version of the questionnaire. The majority of the participants chose to fill out the questionnaires in Polish and they chose to fill them out by themselves, except for three respondents who preferred to verbally communicate their answers and let the researcher write them down. The questionnaires were completely anonymous and the participants were not asked to reveal any of their personal information that could later be used to link their responses to them.

In order to minimize the possibility of intentionally providing information consistent or contrary to the researcher's hypothesis due to personal convictions of the interviewees, the participants were only informed of the basic reasons for this study, and they did not know the researcher's question or hypothesis. On average, each interview lasted between 20 and 30 minutes; however, a couple of participants took more time to answer the questions. After the interviews, the respondents were thanked for their participation and were offered information about how to obtain information about the study and who to contact in case they had any complaints. The participants did not receive any gifts or incentives for their participation. They were neither compensated for their time.

Data Analyses

Data analyses included running statistical correlations and linear regressions between factors, such as education and time of employment, and participants' responses.

Data analyses also included the assessment of the location of the organization as a variable affecting the responses. Moreover, the researcher coded open-ended questions.

Second Stage of the Research - Files

The second stage of the research, conducted between June and July of 2012, was based on the evaluation of paper files documenting cases of trafficked individuals who received help from Fundacja La Strada. La Strada creates a file on almost all of the victims who are referred to the organization or who contact the organization themselves and the year of the file corresponds to the year of this referral. The files included information, such as the country of the victim's origin, the entity that referred her to La Strada, for example the police or Border Patrol, whether she testified against her traffickers, and the type of help she received.

Unfortunately, the files were very incomplete and the overwhelming majority of them lacked descriptive notes explaining the story of each victim. Furthermore, information about the length of time of the victim's forced prostitution, the method of recruitment, and the way the victim crossed the Polish border were among the absent key information that would help understand the nature of human trafficking in Poland. Instead, the files mainly contained copies of police forms filed when the victim came into contact with Polish officials and copies of various faxed messages sent to individual, such as prosecutors, who were interested in the particular victim. Moreover, the files were not separated into cases on trafficking for sexual exploitation and trafficking for forced labor.

Consequently, the researcher had to go through every file to determine whether it related to the research study. The researcher's evaluation of the files included looking at every file from the years 2009, 2010, 2011, and 2012. The files were not chosen

randomly, but rather, the researcher decided to include in this study every file from the above-mentioned years that described a story of a female victim of human trafficking for sexual exploitation. The researcher included files on Polish as well as foreign victims.

The files were used to gather information about the characteristics of victims of human trafficking in Poland, such as which countries they came from, how old they are and whether they are in Poland legally. Moreover, the researcher noted how long the victims remained in the governmental victims' help program executed by La Strada and whether the victim testified against her trafficker.

In addition to information gathered from the files, the researcher also included supplemental information revealed by the employees of La Strada related to selected victims from those files. When the information in a particular file was incomplete but seemed to contain an interesting story, the researcher asked for additional explanation as to what happened to the victim. To protect the safety of the victims, La Strada purposely does not compile detailed information in their files and relies on its employees' memory. Of course, such a system poses challenges to any research because memory is a very unreliable source of information.

Data Analysis

for the First Stage of the Research

Demographics

The total number of participants was 16. Thirteen came from La Strada, which constituted the entire pool of employees and three came from the Halina Niec Legal Aid Centre. The low number of participants from Halina Niec was due to a broader scope of this organization's work where human trafficking is just one of many areas of its focus.

Those three participants were the most qualified to participate in the study because they had experience working with human trafficking victims.

Every participant was a female with at least some college education. See Figure 1. The majority of the participants worked in their respective organization for at least two years. However, 24 percent of participants from La Strada worked less than one year while every participant at Halina Niec worked for at least one year. See Figure 2.

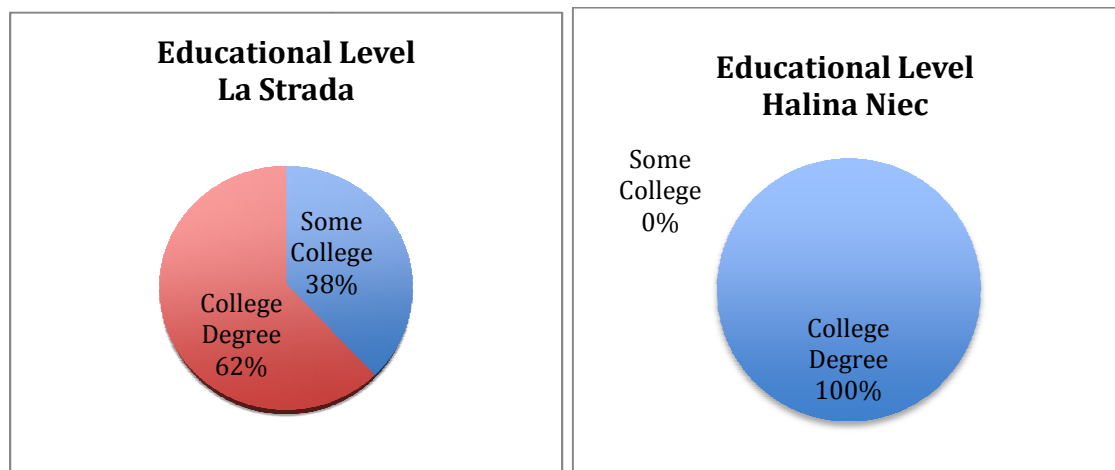


Figure 1. Level of education of the participants

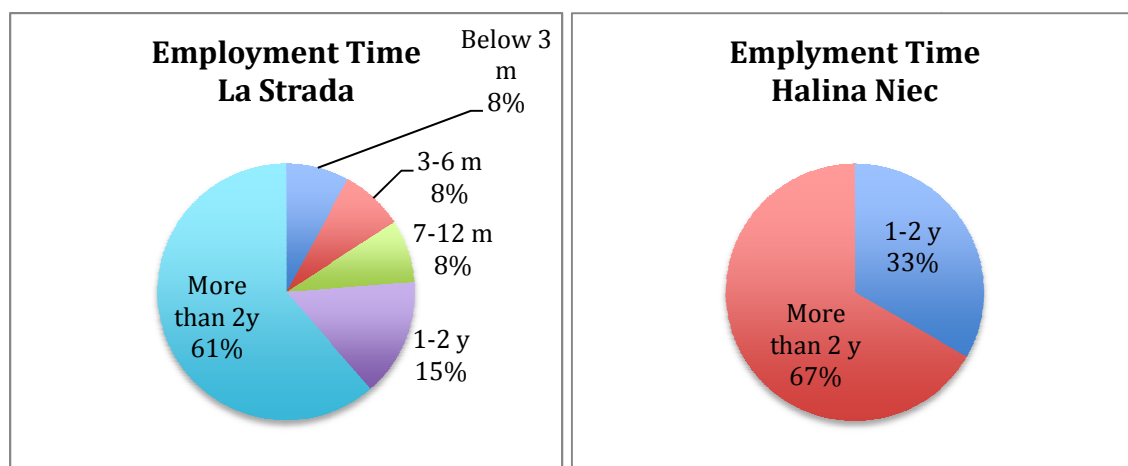


Figure 2. Time of employment of the participants

Evaluation of the open-ended questions from the questionnaires³⁴

The researcher used a number of open-ended questions to examine the beliefs of people who work with trafficked individuals. She was interested in determining what kind of benefits the victims should be entitled to from the perspective of people who have extensive experience in working on human trafficking issues. The researcher also wanted to examine their perspective on possible further victimization of human trafficking victims in Poland. The open-ended questions were intentionally left broad to allow the researcher to obtain a variety of answers. The researcher believed that, this way, she would have a good chance of finding out in details what people who work with human trafficking victims in Poland really think about the victims' situation and their rights.

Due to the broad nature of the questions, quite often the participants asked for a clarification. For example, three respondents asked what kind of financial support one of the questions referred to. The researcher always refused to clarify questions and asked the participants to specify in their answers what their responses were relating to, in case a question seemed unclear to them. The lack of clarification allowed the researcher to evaluate the lens through which the participants look at the victims and their situation. For instance, the question about the victims' illegibility for financial aid led some participants to concentrate on the source of that aid while others focused more on the type of assistance and its amount. If the victim is deserving of financial assistance the source of the money should not be the major concern because there are always ways to create special funds for the victims through governmental programs or donations from the European Union. Ultimately, the open-ended questions were design to lead to the

³⁴ All answers were originally in Polish and were translated to English by the researcher.

discovery of multiple attitudes and beliefs, some of which might not have even been related to the issue of human trafficking. Nevertheless, the researcher decided to run this risk, even if it meant that the broad format of the questions would result in responses that would have to be discarded for the lack of relevance.

One of the first questions asked the respondents whether they believed that victims of human trafficking should be allowed to stay in Poland permanently. The responses seemed to fall into three categories. The first group of answers implied that some of the participants were willing to permit the victims to stay in the country permanently without attaching any special conditions or circumstances. Two respondents identified the right to a permanent stay as an outgrowth of Poland's responsibility to protect people on its territory. For example, one participant from La Strada stated: *"If she [the victim] is victimized on the Polish territory she should be allowed to stay."* This response suggests that Poland fails to protect trafficked individuals while on Polish territory, and, as a result, it is the country's duty to offer the victims an option of a permanent stay. One participant thought that such a right is a matter of choice: *"They [the victims] should be able to choose. They should have a choice to go back to their home country, but they should not be forced to that."* Another respondent mentioned that the right to a permanent stay should not be conditioned on cooperation with the prosecutors, which means that it should not be dependent on testifying against the traffickers.

The second category of responses included answers which clearly specified that the victims should only be allowed to permanently stay in Poland under specific conditions or in case of certain circumstances. For example, one of the participants from La Strada stated that a permanent stay should only be allowed *"when going back to their home*

country threatens their [the victims'] safety." Another participant said that such a right should only be given to the victim *"after the successful completion of the criminal case against her trafficker."* This answer suggests that a very small proportion of the trafficked women in Poland would ever qualify for a permanent stay because very rarely is a case against a trafficker actually successfully completed.³⁵

The last category of answers stated that being a victim of human trafficking does not carry any special privileges in terms of the right to a permanent stay in Poland. Four respondents conclusively declared that being the victims does not alone constitute a positive factor in allowing the trafficked individual to stay in Poland. One of the respondents from La Strada stated: *"Victims should be eligible to receive full support, but the fact that an individual is a human trafficking victim does not by itself mean that this person should be favored over other foreigners."* The answers in this category did not provide further details as to why the participants held this belief, leaving it to the speculation of the researcher to determine the reasons³⁶.

The rest of the answers (some of the participants only answered the Yes/No/Not Sure portion of this question without providing further explanation) are not really conclusive, because they do not say much about the participant's opinion. For example, one of the employees from La Strada answered: *"It would depend on each particular case, since every case is different."* It seems that this respondent leans towards allowing the victims to stay permanently, but it would just be a guess what conditions and circumstances would qualify a victim for gaining the right to a permanent stay.

³⁵ The researcher believed that by successful completion the participant meant bringing a trafficker to justice and securing a conviction.

³⁶ For the full answers to any open-ended question, please see Appendix C.

The split between the codified answers is nearly even between each of the three proposed categories. While a lot of the respondents believed that the victims should be allowed to stay permanently in Poland, both conditionally or unconditionally, more than one-third of participants did not believe that the victims should have such a right.

Participants were also asked if the victims should be able to stay in Poland temporarily. Currently, the victims are given such option, and, without a doubt, every participant was aware of it. The researcher included this question in the study to see what kind of approaches the participants would take in answering it, such as what kind of reasons they would state behind giving the victims such right since they knew that the victims are already allowed to stay in the country temporarily. Many of the respondents seemed to be puzzled and reminded the researcher that the victims were already eligible to stay in the country temporarily. The researcher always responded that the questionnaire is not about the current laws in Poland but about the respondent's beliefs and asked the participant to answer it in any way she desired. Overall, the researcher grouped the answers to this question into three categories. First, the answers were indicative of a conditional right that would be based on the victim's willingness to testify against her trafficker. This category included four responses, each saying that the victims should be permitted to stay in the country temporarily because that allows them to testify. Those responses came from the employees of La Strada only.

The second group of responses included answers that stated that the victims should be allowed to stay in Poland temporarily because that helps the country to combat human trafficking. Those responses were suggestive of a situation in which the victim is used as a tool of the prosecutors and she is not the primary entity benefiting from the stay

in the country. For example, one respondent from the Halina Niec Legal Aid Centre stated that “*Temporary stay is often crucial in order to conduct investigation against traffickers,*” which of course is true, but which also shows that the victim’s well-being was not her primary concern. Interestingly, none of the participants from the Halina Niec Legal Aid Centre directly mentioned testifying as a reason for the victims to temporarily stay in Poland. However, one can argue that saying that the presence of the victim in Poland is crucial for the investigation against her trafficker, most likely means that the victim has to testify in order for the investigation to move forward.

The last group of answers included responses, which showed that a temporary stay in Poland was primarily for the benefit of the victim. This category included a wide range of reasons for which such as right was good for the trafficked women. For instance, three respondents saw a temporary stay as a way of providing the victim with safety, especially that trafficked women might face ostracism in their home countries. One respondent acknowledged that “*Subjecting the victim to deportation does not help the investigation and turns the victim away from cooperating with the police and, what is more, it creates an additional harm.*” This response was consistent with the researcher’s definition of further victimization where the action of Poland adds to the already existing harm and trauma of the victim. Six participants believed that the right to stay in Poland allows the victims to regain their psychological and mental balance after the horrors of trafficking. They saw this time as a period during which the victim is able to receive professional mental and medical help.

Next, the participants were asked about ways to improve the victims’ situation. Because this question is very broad it allowed the researcher to obtain a lot of different

responses that related to laws, social policies, and societal attitudes. The lack of specificity in the way this question was asked made the responses less guided or influenced by preconceptions held by the researcher. The researcher divided the answers to this question into five groups. The first group of responses concentrated on providing more training to people who come into contact with human trafficking victims, such as social workers, police officers, people who work in the shelters where the victims are placed, and judges. Some responses were more specific and included information about what the trainings should concentrate on. For instance, the training should include “...informing the police and other officials coming into contact with the victims about the particular situation of female victims” and it “... should educate the officials on specific experiences that human trafficking victims endured.”

The second group of responses contained only one answer, which simply did not belong to any other category. A participant from La Strada stated that the situation of the victims would improve if the prosecutors chose to charge traffickers with the actual crime of human trafficking and not with some other lesser crime, such as withholding documents, just to secure a conviction. The researcher felt that creating a separate group just with this one answer was important because the issue of charging traffickers with lesser crimes came up many times in conversations between the researcher and La Strada’s employees.

The third group of responses had various forms of cooperation as a common theme. The participants believed that there should be better cooperation between officials and institutions helping the victims, such as police, prosecutors and nongovernmental organizations. Moreover, they thought that there should be a better flow of information

inside the institutions helping the victims and those institutions should use prior experiences of other entities helping trafficked individuals both from Poland and from abroad. The fourth group of answers concentrated on raising public awareness about human trafficking.

The last group of responses formed a very broad category, which contained ideas of offering the victims specific types of help. For instance, one participant stated that the victims' situation would improve if they were allowed *"to testify in the presence of women only."* Other respondents thought that the victims should be provided with psychological help and legal representation. Some answers stated that trafficked women should be given time to think whether they want to testify and that helping them should not be conditioned on their decisions to testify. Lastly, one participant said that Poland should have various programs helping the victims: *"In order for the victims to cope with their issues and not become victimized again [trafficked] they need to be provided with opportunities helping them to return to normal life. There should be many different programs helping the victims."*

Furthermore, the participants were asked whether Polish laws and the Polish system mistreat female victims of human trafficking. Unfortunately, only about a half of the participants provided an answer to this question. Among the responses there does not seem to be a common theme or pattern. One of the participants stated that *"Quite often the traffickers are at the center of attention while the victim's needs, condition, and situation become secondary."* She also stated that the victims do not receive adequate information about the process of investigation and its stages. Moreover, this participant also emphasized that the victims are not even informed about La Strada. Another

participant stated that the problem lies with the judges: *“It happens that the courts for which crimes related to human trafficking are a new issue to consider, do not adequately assess the factual situation in question and they use outdated laws just because the judges are familiar with those laws.”* However, one respondent believed that the laws are not the problem but rather the attitudes of some officers who refuse to apply the laws because they are against prostitution.

Next, the respondents were asked to enumerate the biggest shortcomings of Polish laws. The responses to this question were also hard to code because there seem to be very few common themes between the answers. Consequently, the researcher divided them into only two categories. The first group of answers included responses stating that Polish laws are not bad. The participants believed that the issue was with the way laws were applied. Some highlighted that the laws are not used at all as in the case when prosecutors decide to charge traffickers with lesser offences in order to secure a conviction as opposed to prosecuting them for the crime of human trafficking.

However, the majority of the participants believed that Polish laws are inadequate in some areas. Some respondents noted that there are few Polish anti-trafficking laws and those that the country has are unknown. For instance, a participant from La Strada stated: *“The biggest issue is the fact that law is practically unknown. Society does not know it, and most likely politicians do not know it either.”* Others stated that the laws do not offer much to the victims. For example, the respondents said that the law *“does not provide a successful witness protection”* and *“social help is the worst.”* One participant noted that the biggest shortcoming of the law is that it conditions stay in Poland on cooperation with law enforcement. Moreover, a participant from La Strada believed that procedural issues

are the problem: *“The investigation should not last as long as it does. Traffickers should receive higher penalties.”*

The respondents were also asked if they believed that the victims trust Polish officials. Because the majority of the participants stated that they did not believe that that was the case, the researcher grouped the answers into three categories based on similarities among the stated reasons explaining this lack of trust. The first category of answers included responses which indicated that the victims do not trust Polish officials due to various beliefs that they hold about them. Two participants believed that the victims do not trust officials in their home country and transfer this attitude onto Polish officers. For instance, a respondent from La Strada stated: *“Especially women from the East [are those who do not trust Polish officials] where things are handled by bribes. They take those experiences to Poland.”* One respondent acknowledged that the stereotype of a police officer in Poland is very negative and the victims are aware of that. Another reason was based on the fact that Polish officials are usually men, which makes them potential clients in the victims’ eyes. Lastly, one respondent stated that the victims do not trust Polish officials because they find their work ineffective and they do not believe that the officials could help them.

The second group of answers was related to the ways officials treat the victim, which ultimately results in the lack of trust. The participants stated that the officials treat the victims as objects, do not act professionally towards them, do not have empathy for the victims’ difficult situation, or simply they do not know how to handle trafficked women. The third category of responses was pretty broad and included answers indicating that the lack of trust was not related to Polish officials at all, but it was rather due to some reasons

connected to the victim herself. For example, one participant stated that the victims commit some crimes themselves and they do not want to be punished for them. Another person said that the victims do not want to open up to Polish officials because they do not want to be blamed for what happened to them. She also stated that the victims do not trust the officials because they do not want to “be *deported to their home country, where they do not want to go back.*” One respondent from the Halina Niec Legal Aid Centre stated that the victims just do not trust people who they do not know: “*This mistrust can be caused by a general mistrust towards unknown people. Especially, if the victim has already been betrayed by a person who she trusted.*” Another reason was connected to the fact that the victims do not know their rights so they feel uncomfortable when they come into contact with law authorities.

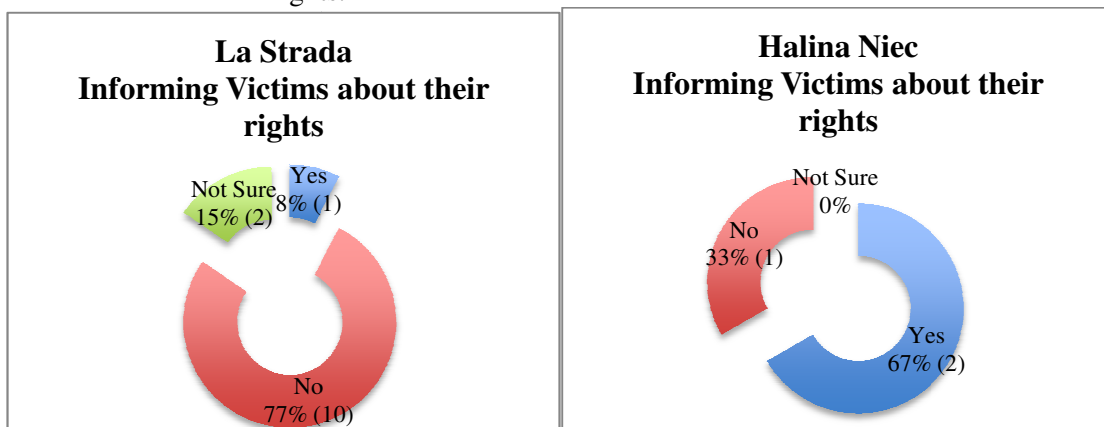
Lastly, the respondents were asked if they believed that the victims should receive material support. Currently, the victims receive a nominal amount in financial aid, but this question was not testing the participants’ knowledge about the current Polish laws, but it rather aimed to find out why the participants believed that the victims should or should not be financially supported. The researcher divided the answers into two categories. The first group of answers included responses which stated that the victims should receive financial assistance because Poland has a duty to help them. For instance one employee of La Strada said that because the victim was exploited on the territory of Poland, the country has the responsibility to provide her with the basic needs. Other respondent stated that “*Material support for individuals with high needs are part of democratic governance.*” This person also added that “a country has a duty to protect individuals under its jurisdiction.”

The second group of answers included responses of participants who believed that the victims should receive financial assistance simply because of their tough situation. Those respondents emphasized that the victims often do not have money and they cannot afford even the basic necessities. Those participants seemed not to care much about the fact that the victims went through the horrors of human trafficking, but they rather saw them as any other person in need who deserves to be helped. For example, one of the respondents from La Strada stated: *“Those are the women who came [to Poland] to work and earn money. Since they did not succeed, and often they lost money, they should be allowed to receive, at least temporarily, some material help.”*

Data Analyses of Close-ended Questions from the Questionnaires

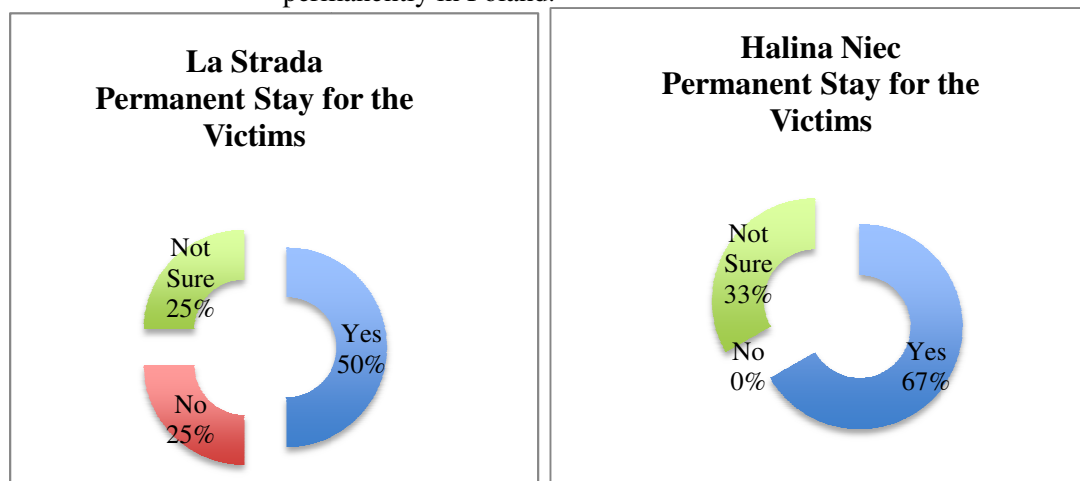
The participants answered the question: “Is informing female victims of trafficking of their rights a common practice in Poland?” in the following way: three responded “Yes,” 11 said “No,” while two answered “Not Sure.” The figures below illustrate the break-down of the answers according to the particular location of the participants (La Strada or the Halina Niec Legal Aid Centre).

Figure 3 and Figure 4. Answers to the question whether the victims are informed about their rights.



The question “Do you think that female victims who are not citizens or residents of Poland should be allowed to stay temporarily in the country?” yielded uniform results among participants in both of the organizations. Specifically, every respondent answered “Yes” (n = 16). However, interesting variations were noted in the responses to the question about the right to stay permanently in Poland: “Do you think that female victims who are not citizens or residents of Poland should be allowed to stay permanently in the country?” One person refrained from answering this question while eight said “Yes,” three said “No,” and four responded “Not sure.” Figures below illustrate specific responses within each organization.

Figure 5 and Figure 6. Answers to the question whether the victims should be allowed to stay permanently in Poland.



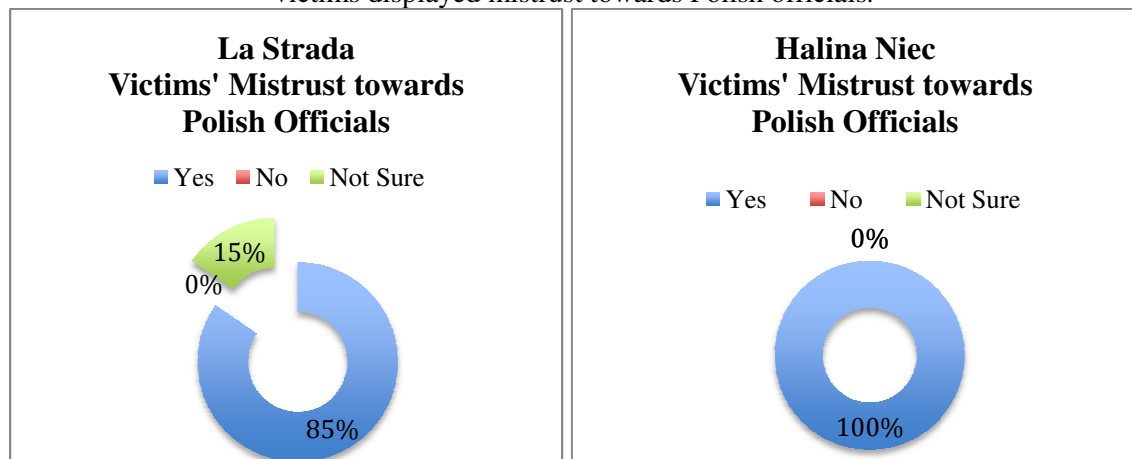
Yes: 6
No: 3
Not Sure: 3

Yes: 2
No: 0
Not Sure: 1

Every single participant (n = 16) answered “Yes” to the questions about the victims’ eligibility to receive material, mental, medical, and legal support after their

trafficking situations ends. The overwhelming majority of the participants ($n = 14$) said that the victims did not trust Polish officials, such as policemen, prosecutors, judges, Border Patrol officers, while two said that they were not sure. When participants were asked whether they believed that the victims showed mistrust towards their organization, two respondents said “Yes,” seven answered “No,” and seven were not sure. However, clear differences can be noticed in the respondents’ answers pertaining to their beliefs about the victims’ trust towards Polish officials and the victims’ trust towards the organizations when the participant’s location was taken into consideration. See Figure 7 and 8 and well as Figure 9 and 10 for a detailed breakdown of the responses according to the location of the participants.

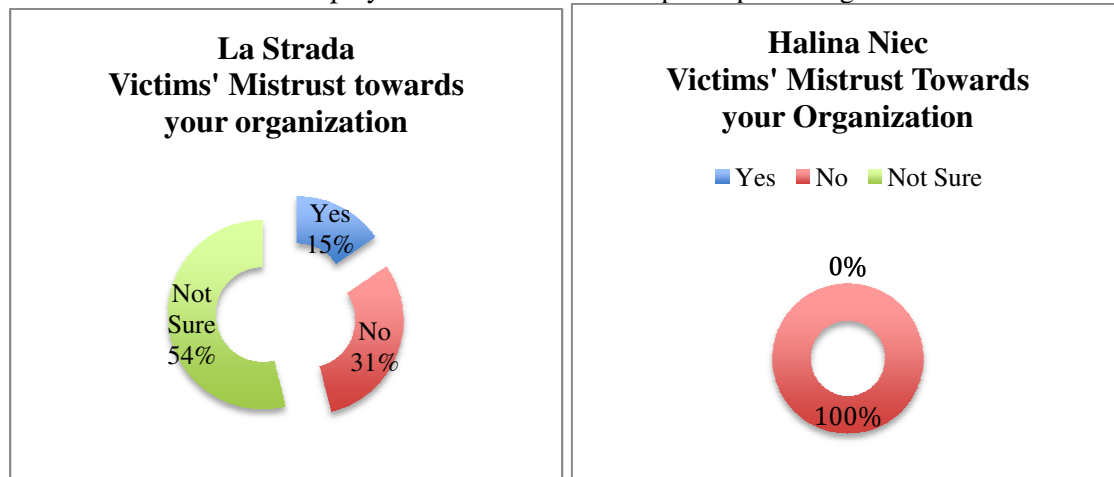
Figure 7 and Figure 8. Answers to the question whether the participants believed that the female victims displayed mistrust towards Polish officials.



Yes: 11
Not Sure: 2

Yes: 3

Figure 9 and Figure 10. Answers to the question whether the participants believed that the victims displayed mistrust towards the participant's organization.

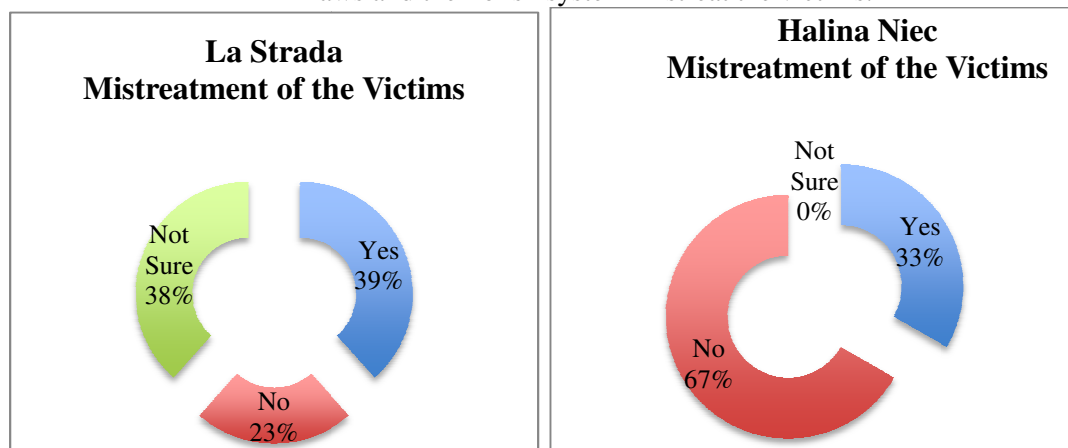


Yes: 2
No: 4
Not Sure: 7

No: 3

The question: “Do you think that Polish laws and the Polish system mistreat female victims of human trafficking?” yielded the following results: six participants said “yes,” three answered “No,” and five were not sure. Figures 11 and 12 show the differences in answers between La Strada and the Halina Niec Legal Aid Centre.

Figure 11 and Figure 12. Answers to the question whether the participants believed that Polish laws and the Polish system mistreat the victims.



Yes: 5
No: 2
Not Sure: 5

Yes: 1
No: 2

Chi square tests.³⁷

Data analysis revealed no relation between a level of education (college or no college) and participants' responses regarding their opinion about the possibility of a permanent stay for victims of human trafficking ($\chi^2 = .45$, $df = 2$, at 0.05 level of significance). Moreover, chi-square test revealed no relationship between educational level and the respondents' belief regarding the practice of informing the victims about their rights ($\chi^2 = 0.61$, $df = 2$, at 0.05 level of significance). Data analysis also revealed no statistically significant correlation between the educational level and the participant's belief that the victim displayed mistrust towards the participant's organization ($\chi^2 = 1.37$, $df = 2$, critical value=5.991, at 0.05 level of significance). Similarity, there was no statistically significant correlation between education and the participant's belief that Polish laws and the Polish system mistreat the victims ($\chi^2 = 0.48$, $df = 2$, critical value=5.991, at 0.05 level of significance).

Chi Square analysis of the correlation between the participants' employment time (over two years and under two years) and the particular responses in the questionnaires revealed the following results. There was statically significant relation between the time of employment and the participant's belief that Polish laws and the Polish system mistreat the victims ($\chi^2 = 6.9$, $df = 2$, critical value=5.991, at 0.05 level of significance). There was no statistically significant relation between the employment time and the participants' belief that the victim should be allowed to stay in Poland permanently ($\chi^2 = 0.4$, $df = 2$, critical value=5.991, at 0.05 level of significance). There was also no statistically significant correlation between the time of employment and the participants'

³⁷ All Chi Square results presented in this section should be viewed with caution because the validity might be negatively impacted by a small sample size.

beliefs that the victims were informed about their rights ($\chi^2 = 1.875$, $df = 2$, critical value=5.991, at 0.05 level of significance). Similarly, there was no statistically significant relation between the employment time and the participants' belief that the victims displayed mistrust towards the participant's organization ($\chi^2 = .46$, $df = 2$, critical value=5.991, at 0.05 level of significance).

Linear regressions.

The next step of data analysis included conducting linear regressions to determine whether factors, such as the time of employment, the level of education, or the location of the participants had statistically significant impact on the answers to the questionnaires. Because the number of participants was low, the researcher bootstrapped data using Stata statistical software to 200 observations.

Linear regression	Number of obs	=	16
	Replications	=	198
	Wald chi2(2)	=	0.10
	Prob > chi2	=	0.9524
	R-squared	=	0.0076
	Adj R-squared	=	-0.1451
	Root MSE	=	0.8488

Permanent2	Observed Coef.	Bootstrap Std. Err.	z	P> z	Normal-based [95% Conf. Interval]	
Time	-.0670103	.4598291	-0.15	0.884	-.9682588	.8342382
Education	-.1443299	.4728044	-0.31	0.760	-1.071009	.7823496
_cons	1.453608	.5328177	2.73	0.006	.4093047	2.497912

Table 1. Linear regression of the effect of time and education on the belief that victims should be allowed to stay in Poland permanently.

The linear regression of the bootstrapped data revealed no statistical relation between the time of the employment, without accounting for the specific employing organization, and the belief of the participants that the victims should be allowed to stay

permanently in Poland ($p = .88$, at .05 level of significance). Similarly, there was no relation between the educational level (college degree of no college degree) and the belief that the victims should be allowed to gain the right to a permanent stay in Poland ($p = .76$, at .05 level of significance). However, the negative sign of the magnitude for both analyses, suggests that there is likelihood that the time of the employment and the educational level have a negative impact on the participant's belief that the victims should be allowed to stay in Poland permanently. Data suggests that employment lasting longer than two years results in a 67 percent increased likelihood that a participant believed that victims of human trafficking should not have the right to stay in Poland permanently. See Table 1.

Linear regression	Number of obs	=	16
	Replications	=	197
	Wald chi2(2)	=	1.55
	Prob > chi2	=	0.4616
	R-squared	=	0.0907
	Adj R-squared	=	-0.0492
	Root MSE	=	0.7213

Trust2	Observed Coef.	Bootstrap Std. Err.	z	P> z	Normal-based [95% Conf. Interval]	
Time	-.1443299	.428561	-0.34	0.736	-.9842941	.6956343
Education	.3814433	.3726371	1.02	0.306	-.3489121	1.111799
_cons	.5154639	.4437923	1.16	0.245	-.3543529	1.385281

Table 2. Linear regression of the effect of time and education of the perceived trusts towards organizations.

The analysis of the impact of the time of employment on the perceived belief that the victims trust the respective organization (La Strada or the Halina Niec Legal Aid Centre) shows no statistically significant results ($p = .73$, at .05 level of significance).

However, there is a marginally statistically significant impact of education on the participant's belief that the victims trust the participant's organization ($p = .31$, at .1 level of significance). Data suggests that holding a college diploma results in a 38 percent increase in likelihood that the respondent believed that the victims trust their organization. See Table 12. On the other hand, time of the employment seems to have a negative impact, where a longer time of employment (over two years) in either of the organizations was indicative of smaller likelihood that the participant believed that the victims trust the participant's organization. See Table 2.

Linear regression	Number of obs	=	16
	Replications	=	199
	Wald chi2(2)	=	1.40
	Prob > chi2	=	0.4969
	R-squared	=	0.0645
	Adj R-squared	=	-0.0794
	Root MSE	=	0.8872

Mistreatme~2	Observed Coef.	Bootstrap Std. Err.	z	P> z	Normal-based [95% Conf. Interval]	
Time	-.4381443	.3899929	-1.12	0.261	-1.202516	.3262277
Education	-.0206186	.5377024	-0.04	0.969	-1.074496	1.033259
_cons	1.350515	.5330386	2.53	0.011	.3057789	2.395252

Table 3. Linear regression of the impact of time and education of the belief about mistreatment of the victims by Polish laws.

Furthermore, neither the time of the employment nor the level of education had a statistical impact on the participants' opinion as to whether Polish laws mistreat victims of human trafficking ($p = .26$, at .05 level of significance; $p = .96$, 05 level of significance, respectively). However, both time and education seem to have a negative impact on the belief of mistreatment of the victims by Polish laws and the Polish system.

There is likelihood that there is a 44 percent chance that participants who were employed in their respective organizations for more than two years were less likely to believe that Polish laws mistreat victims of human trafficking. See Table 3.

Linear regression	Number of obs	=	16
	Replications	=	191
	Wald chi2(3)	=	13.96
	Prob > chi2	=	0.0030
	R-squared	=	0.4664
	Adj R-squared	=	0.3330
	Root MSE	=	0.6648

Rights2	Observed Coef.	Bootstrap Std. Err.	z	P> z	Normal-based [95% Conf. Interval]	
Time	.6442308	.3661941	1.76	0.079	-.0734965	1.361958
Education	-.0817308	.4364974	-0.19	0.851	-.9372499	.7737883
Location2	1.100962	.5333644	2.06	0.039	.0555865	2.146337
_cons	-.1153846	.4842639	-0.24	0.812	-1.064524	.8337552

Table 4. Linear regression of the impact of location on the belief that the victims are informed about their rights.

The analysis of the bootstrapped data in relation to the location of the organization and the employee's belief as to whether the victims were informed of their rights revealed statistically significant results ($p = .04$, at .05 level of significance). The location has a very strong positive effect on this question. Employees of La Strada were less likely to believe that the victims were informed of their rights. In fact, data analysis shows that they were 110 percent less likely to be certain that the victims were informed about their rights. See Table 4.

Linear regression	Number of obs	=	16
	Replications	=	194
	Wald chi2(3)	=	1.48
	Prob > chi2	=	0.6880
	R-squared	=	0.0795
	Adj R-squared	=	-0.1507
	Root MSE	=	0.8509

Permanent2	Observed Coef.	Bootstrap Std. Err.	z	P> z	Normal-based [95% Conf. Interval]	
Time	-.125	.4221631	-0.30	0.767	-.9524245	.7024245
Education	-.3125	.5457329	-0.57	0.567	-1.382117	.7571168
Location2	.5625	.466459	1.21	0.228	-.3517429	1.476743
_cons	1.5	.5270018	2.85	0.004	.4670955	2.532905

Table 15. Linear regression of the impact of location on the belief that the victims should be able to stay permanently in Poland.

The location of the participants (La Strada or the Halina Niec Legal Aid Centre) had a marginal statistical significance on their responses to the question as to whether the victim should be allowed to stay permanently in Poland after her trafficking situations end ($p = .29$, at .1 level of significance). Data suggests greater likelihood that the participants from Halina Niec believed that the victims should have the right to stay in Poland permanently. See Table 5. Marginal statistical significance indicated unobserved heterogeneous characteristics inherent to Halina Niec that cause the employees (participants) to think that victims should have a right to a permanent stay in Poland. Some of the examples of the unobserved heterogeneous characteristics can include particular experiences with the victims, personalities of the employees, or specific style of managing the organization.

Linear regression	Number of obs	=	16
	Replications	=	191
	Wald chi2(3)	=	13.96
	Prob > chi2	=	0.0030
	R-squared	=	0.4664
	Adj R-squared	=	0.3330
	Root MSE	=	0.6648

Rights2	Observed Coef.	Bootstrap Std. Err.	z	P> z	Normal-based [95% Conf. Interval]	
Time	.6442308	.3661941	1.76	0.079	-.0734965	1.361958
Education	-.0817308	.4364974	-0.19	0.851	-.9372499	.7737883
Location2	1.100962	.5333644	2.06	0.039	.0555865	2.146337
_cons	-.1153846	.4842639	-0.24	0.812	-1.064524	.8337552

Table 6. Linear regression of the impact of location on the belief that the victims are informed about their rights.

The location of the participants also had a statistically significant impact on the participants' belief that the victims are informed about their rights. In Halina Niec more education (holding a college diploma) had a negative impact on the participant's belief that the victims trusted the Halina Niec Legal Aid Centre ($p = 0$, at .5 level of significance). See Table 6. This result is contradictory to the data analysis conducted without the distinction as to the location of the respondents, where more education meant an increase in the participant's belief that the victim trusted the participant's organization. This discrepancy again suggests that there is an unobserved heterogeneous characteristic of Halina Niec (also seen in Table 5).

Data Analysis for the Second Stage of the Research

Evaluation of the Paper Files from La Strada

Data analysis of the files provided by La Strada allowed the researcher to gather information about the characteristics of victims of human trafficking in Poland. The

researcher evaluated files from the year 2009, 2010, 2011, and 2012. These files contained information about 38 female victims of human trafficking for sexual exploitation. The specific breakdown of the number of files in each year is as follows:

Year 2009: 15

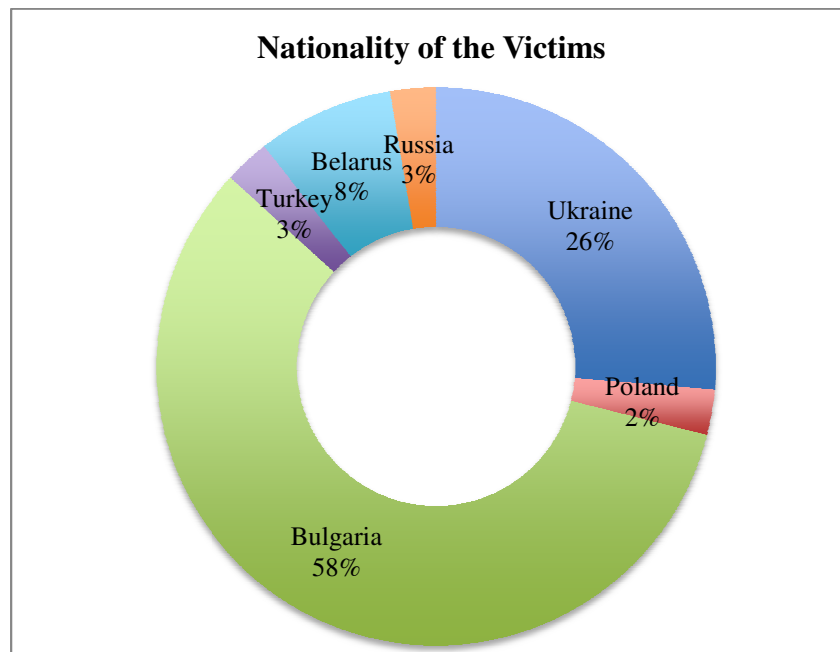
Year 2010: 9

Year 2011: 7

Year 2012: 7

The most common country of origin of the victims were Bulgaria and Ukraine. See Table 17 for more details about the victims' nationalities regardless of the year of the file. The majority of the victims were in Poland legally ($n=22$), but for 10 women this information was missing. See Figure 14.

Figure 13. Nationalities of the victims gathered from 2009-2012 files.



Bulgaria: 22

Ukraine: 10

Belarus: 3

Poland: 1

Turkey: 1

Russia: 1

Figure 14. Information about the legality of the victims' stay in Poland when the victim was referred to La Strada.



The average age of the victim when she entered the victims' help program carried out by La Strada was 29.3. The age range was 17 - 59. The time that the victims spent in the program varied greatly with the minimum of 1 day and the maximum of 117 days. The average time in program was 17.5 days.

According to the files, it appears that the majority of the victims do not testify in court, but rather they testify in some other way, which is later admissible at the trial if one takes place. Out of the 31 files on female victims of human trafficking for sexual exploitation for whom La Strada created files in 2009, 2010, and 2011: five victims did not want to testify, 19 victims testified but not in court, while the information for seven victims was missing or it was not clear whether they testified. Data from files for the year 2012 pertaining to whether the victims testified against her trafficker were missing. However, since the researcher reviewed the files in June and July it is possible that the files were incomplete because it was only the middle of the year and perhaps the missing information was going to be filed later in the year.

The victims' participation in the program can end in various ways, but the goal of the program is to provide assistance to the victim as long as she is needed by the prosecution. After that time, she is sent home with the expenses paid by the Polish government. The analysis of the files revealed that: 15 victims finished their participation in the program, 11 quit the program, one victim violated the rules of the program and was expelled, and the information was missing regarding 11 victims.

Supplemental stories about the victims whose cases were in the files³⁸

In addition to the information obtained from the files compiled by La Strada, the employees of La Strada offered the researcher more detailed accounts of what happened to some of the victims, which constituted information that could not have been gathered by using the files only. These are some of such stories.

1. *“Polish woman from Szczecin. She alleged that she responded to an advertisement for a housekeeper. She was supposed to work in a hotel and her compensation was going to include accommodation in a nearby apartment building. She was invited to an interview, which was going to take place at the apartment assigned to her. The pretext for holding the meeting in that private apartment as opposed to in the hotel, was for her to actually see the apartment since she was going to occupy it. But, she was not able to leave that apartment. She was forced to prostitution. At that time, she had some court hearings scheduled and other legal problems so although she was kept captive, she was allowed to see an attorney while accompanied by a guard. One time while at the attorney's office she briefly mentioned forced prostitution. The attorney contacted La Strada. La Strada*

³⁸ All the stories were told in Polish and were translated to English by the researcher.

notified the police; however, the officials wanted to wait for a right moment to intervene. After some time in forced prostitution and numerous visits to the attorney, this victim was allowed to see the lawyer without a guard. At one point, while visiting the lawyer, the victim agreed to be taken by police. She testified and she was placed in the care of La Strada. She was provided accommodation in a safe house operated by La Strada.”³⁹

2. *“A woman from Ukraine. She had an expired visa. She was forced to prostitution. She was beaten. One time she admitted the truth about her situation to a neighbor, who subsequently called La Strada. The police took her out of the apartment in which she was held through a window. La Strada petitioned for her temporary stay, which was rejected at first because she had a criminal record. Seven years prior to that situation she was involved in some fraud with passports. She lied on the application for a temporary stay and she said that she did not have any criminal record. La Strada appealed and she eventually received permission to temporarily stay in Poland.”⁴⁰*

3. *“A woman from Bulgaria. At the time of being trafficked she was underage (in Poland, younger than 18 years old). Her trafficker gave her a fake identification. She had a slight mental disability. She was arrested for using this fake ID. She was put in jail where she spent five months. She was beaten while in jail. La Strada managed to have her released. Legally she had a right to sue Poland, but she chose not to because La Strada could not guarantee her that she would win. If the case went to court, she would have to prove that she was a victim of human trafficking at the time she was arrested.”⁴¹*

³⁹ Information obtained on 06/28/2012

⁴⁰ Information obtained on 06/29/2012

⁴¹ Information obtained on 07/02/2012

Strengths and Limitations

This study has a number of strengths and limitations. Since the study was twofold the strengths and limitations pertaining to each part will be discussed separately. The first part of the study, which concentrated on interviewing individuals who work with victims of human trafficking, was methodologically stronger than the second part, which was devoted to the evaluation of files provided by La Strada. The primary strength of the first part was related to the composition of the sample. The researcher was able to interview every employee of La Strada and those employees of the Halina Niec Legal Aid Centre who were, according to the director of this organization, familiar with human trafficking work. Despite the small sample size ($n = 16$) this sample is still very representative of a population of people who work on human trafficking issues in Poland. As previously stated, human trafficking is a new issue in the country and it does not receive much attention. Although there might be some other organizations that undertake some human trafficking work, La Strada and the Halina Niec Legal Aid Centre are two major ones that address human trafficking issues. Thus, the participants represent the majority of people who work with human trafficking making their responses a reflection of the opinion of Polish organizations addressing human trafficking issues.

The major shortcoming of this part of the study was a very friendly and helpful attitude to the researcher, most likely, due to the researcher's Polish nationality and familiarity with the culture. There is a possibility that the respondents provided answers to the questionnaires that they thought were consistent with what the researcher desired to find. None of the participants knew the purpose of the study, but the majority of the questions asked either about a form of help to the victims or a type of harm that they

might be experiencing. Consequently, there is a chance that some participants inferred the purpose of the study.

Moreover, since the respondents were experienced in working with the victims some of them might have been deeply touched or traumatized by the various harm done to trafficked individuals. These participants might have been influenced by their emotions and willingness to help the victims at all costs, which might have resulted in overstating certain abuses done to the victims. Furthermore, responses from participants in La Strada could have been influenced by their particular mood and stress levels on the days of the interviews. La Strada has a very fast-paced environment in which employees need to deal with a high level of stress. Nearly every day there is an emotional situation taking place, such as the necessity of a quick response to an emergency involving one of the victims under the care of La Strada. Such a situation can easily deeply affect some employees and lead to responses that reflect how this person perceives the situation of victims in Poland on that particular day as opposed to an opinion about the victims' situation in general.

Second, the evaluation of the files provided by La Strada has a high risk of yielding unreliable results. The files were incomplete, which prevented the researcher from drawing definite conclusions about the characteristic of the victims in Poland. For instance, quite often the information about the victim's legal status and the reason for ending the relationship with La Strada were missing. Moreover, La Strada is not diligent in keeping files so there is a high probability that some victims who were under the care of this organization were never documented in the files. The sensitive nature on human trafficking and the risks it poses to the victims and the organizations' employees can affect what information is included in the files and what information is intentionally

omitted. Thus, the results of this study related to the evaluation of the information from the files should be taken with caution because they may present information that is only true, if true at all, about a very select subset of human trafficking victims in Poland.

Directions for Future Studies

This study evaluated a very select group of individuals, which resulted in a small sample size. Future studies could expand the sample size by including individuals who also come in contact with the victims but do not necessarily work for La Strada or the Halina Niec Legal Aid Centre. Potential future participants could include judges who had human trafficking cases on their agendas, police officers, and Border Patrol officials. Moreover, it would be interesting to compare responses of people whose work to some extent involves dealing with human trafficking victims to individuals who have never worked with the victims. Moreover, future studies could look at the changes of attitudes in relation to time by administering similar questionnaires to individuals after various time intervals if those individuals maintain their profession in the field. Furthermore, it could be beneficial to see how the beliefs of people change when they first start working on human trafficking issues and after some time of such work.

Additionally, future studies could concentrate on comparing the participants' beliefs in relation to the gender of the victim and the type of human trafficking the victim suffered. The study surveys could also include questions about the respondents' attitude towards the victims depending on the victim's country of origin (members and non-members of the European Union). Ideally, Poland should be compared to other countries to evaluate whether there are any differences or similarities between how the laws treat the victims and the opinions of those who come in contact with the victims.

Future studies should also include the opinions of the victims to see how Poland treats them from their own perspective. Evaluation of the victims' responses could make the organizations that address human trafficking issues and Polish society better understand what the needs of the victims in Poland are. By including the victims in the studies the researchers would be able to evaluate in the most direct way whether Poland and Polish laws further harm the victims.

Lastly, the part of this study, which relied on the evaluation of the files provided by La Strada, can be expanded by a more thorough investigation of what happened to each of the victims. Due to the incomplete nature of those files, such supplemental information would have to be obtained from the employees of La Strada who in turn would have to search for the answers in their memories. However, asking numerous employees could lead to the creation of a more detailed assessment of the victims. Those paper files and information obtained from the employees could be further compared to other sources of information, such as the court and police files.

Chapter IV

Discussion

This master's thesis attempted to answer the question as to whether Poland further victimizes the female victims of human trafficking for sexual exploitation. Female victims experience an unimaginable level of harm during their trafficking situation, which is really only an extension of the harm they have already suffered before they even became victims in the first place. When their trafficking situations end they are faced with a legal system they often do not understand; they are treated like prostitutes and the worst category of people. They usually have no money and are terrified to go back to the places where they came from for fear of being stigmatized or re-trafficked.

Poland is a major point of human trafficking in Europe; and, as such, it is confronted by many challenges related to the specific situation of the victims. The researcher decided to investigate how Poland addresses the situation of the female victims from the perspective of people who work in nongovernmental organizations that are specifically geared towards addressing human trafficking in Poland. The researcher believed that it was important to concentrate on this particular population because people who work with the victims every day are very knowledgeable about their real situation, about the weaknesses and strengths of Polish laws, and about the effects those laws have on the victims.

By interviewing the employees of two organizations, Fundacja La Strada and the Halina Niec Legal Aid Centre, and by analyzing files containing information about the victims who came under the patronage of La Strada, the researcher aimed to find out

whether Poland, through its laws and policies, further victimizes female victims of human trafficking for sexual exploitation. First, this chapter will present a discussion on the results derived from data analysis of the questionnaires used in the study. Second, it will offer a discussion based on information compiled from the files provided by La Strada.

Questionnaires

As discussed in the results section of this thesis, the researcher used a self-developed questionnaire administered to the employees of two organizations addressing human trafficking in Poland. The questions in the survey can be divided into three categories. First, the participants were asked about their attitudes regarding various benefits that the victims in Poland were already legally entitled to or could potentially be entitled to. Those questions were designed to assess the societal attitudes towards the female victims in Poland. Second, the questions asked the participants to evaluate how the laws and Polish system treat the victims. Third, the respondents were asked about their perception of the victims' trust of their organization and Polish officials.

The Participants' Opinions about what the Victims Should be Entitled to

One of the questions aiming to assess the participants' opinion about what the victims should be entitled to asked the respondents whether they believed that the female victims should be allowed to temporarily stay in Poland after their trafficking situations end. Currently, victims who are not citizens or lawful residents of Poland have the right to stay in the country temporarily if they decide to cooperate with the officials. Although every single respondent believed that the victims should have such right, responses varied as to the reasoning behind this opinion. There were a number of responses, which clearly

identified the right to a temporary stay as a way of helping the victims, but there were also quite a few answers that were indicative of a belief that giving the victim the right to a temporary stay should be granted because it benefits Poland.

For instance, two participants perceived a temporary stay as a way of helping the country to fight trafficking in general while four others viewed this stay as a necessary condition allowing the victims to testify against their traffickers. Of course, it is possible that those respondents had in mind that testifying against traffickers is done mainly for the benefit of the victims because this way they receive justice for the endured harms. However, there is also a possibility that those respondents saw testifying as a major tool for fighting human trafficking without giving much attention to how the victims felt about it. The mere fact that the victims are only allowed to stay if they decide to testify speaks to the importance placed on the testifying. It is true that Poland does offer the victim the time to decide whether she wants to testify, but according to the director of La Strada, not even one victim took advantage of that opportunity.⁴²

Next, the participants were asked if the victims should be allowed to stay permanently in Poland. Out of the 15 participants who answered this question, eight believed that the victims should have that right (six participants from La Strada and two participants from Halina Niec), while three (all from La Strada) said “No” and four were not sure. The evaluation of the open-ended responses accompanying this question revealed that only four participants would allow the permanent stay without any conditions attached. The remaining responses from the participants who would allow a permanent stay showed that they believed that the victims should have this right only

⁴² The reasons behind not using this official time to think may be numerous and there would need to be a study conducted to have a more definitive answer. It is possible that the victims are not informed about this right or that they do not understand what it really means.

under certain conditions or circumstances, such as if she would face safety issues in her home country or only after she testifies against her trafficker. Those who answered that the victim should not be allowed to stay in Poland permanently after their trafficking situation ends supported their responses by saying that there is nothing special in the status of a victim of human trafficking and being the victim should not entitle a woman to any special privileges in terms of her right to stay in Poland.

The researcher was interested in examining whether the responses to the questions about the permanent stay could have been explained by any other factors, such as the respondents' level of education, time of employment in their respective organization, or the location of the organizations (Warsaw and Cracow). There was no statistical analysis available for the question about the temporary stay because there was no variation in the answers since every single respondent answered that she believed that the victims should be allowed to stay temporarily in Poland.

Chi square analysis revealed no correlation between the answers to the question about the permanent stay and the participant's level of education, which the researcher divided into having a college diploma or not. There was also no statistically significant correlation between the respondent's time of employment in her respective organization and her belief about the possibility of a permanent stay for the victims. Chi square analysis did not allow for checking for any differences in relation to the specific location of the participants (La Strada or Halina Niec) because the small sample size of respondents from the Halina Niec location ($n = 3$) did not allow to for conducting meaningful statistical correlations.

The researcher bootstrapped the data to see if any statistical results would have been obtained if the sample size were bigger. Without looking at the specific location of the participants, the bootstrapped data revealed no relation between the participants' level of education (college or no college) or the time of their employment. However, interestingly, data analysis suggests that employment lasting longer than two years results in a 67 percent increased likelihood that a participant believed that victims of human trafficking should not have the right to stay in Poland permanently. The same can be said about holding a college diploma where graduation from college results in a 14 percent increased likelihood that the participant believed that the victims should not be allowed to gain the right to a permanent stay in the country.

These results are surprising because one would think that longer exposure to the work with traumatized victims would result in stronger sympathy towards their situation and a higher likelihood of allowing them to stay in Poland. One possible explanation to this puzzling result is that perhaps people who work with the victims for a long time become desensitized towards their traumas, become accustomed to the current laws, and feel less eager to change anything. When it comes to the increased likelihood that those who hold college diplomas are less likely to believe that the victims should be able to receive a permanent stay in Poland, the possible explanation can be related to the big disconnect between educated people and the victims who usually have very little education.

Individuals who graduated from college can be less sympathetic to women who did not go to school and who were not able to rise out of poverty or their difficult situation through education before they became victims. In Poland, especially in big

cities, going to college is a very common thing and a lot of young people hold college diplomas. At the same time, the reality for Polish students is really harsh and a lot of them truly struggle financially while in college. Nevertheless, giving up on a college education is not very popular in large cities. The struggle that a lot of young people need to go through can make them less sympathetic towards the victims who for various reasons decided not to pursue a college education. Considering the fact that La Strada and Halina Niec are located in big cities, it is possible that those with college education see the victims as failures who are responsible for their own misfortunes and deny them help in the form of a permanent stay in Poland.

The location of the participants (La Strada or the Halina Niec Legal Aid Centre) had a marginal statistical significance on their responses to the question as to whether the victim should be allowed to stay permanently in Poland. Data suggests a greater likelihood that the participants from Halina Niec believed that the victims should have the right to stay in Poland permanently. This indicates that there is an unobserved heterogeneous characteristic inherent to Halina Niec that caused the participants to believe that female victims of human trafficking should be allowed to stay in Poland permanently. It is hard to assess what could constitute this unobserved heterogeneous characteristic, but some of the possibilities could simply include the variation in culture and people's attitude between Warsaw, where La Strada is located, and Cracow where Halina Niec is located.

Cracow is considered to be a more relaxed place as compared to Warsaw, the capital city. Cracow is viewed as a college town where the cost of living is much cheaper than in the capital city. It is also less career-driven and a more popular tourist destination

than Warsaw. Those differences could have an impact on the employees of both organizations. Furthermore, it is possible that employees of Halina Niec come into contact with different types of victims than those who work in La Strada. There is definitely a possibility that different types of victims are trafficked to these two cities since Warsaw, Poland's business center, might attract a dissimilar clientele than Cracow, which is more of a tourist spot. It is also likely that the style of management of those two organizations has something to do with the beliefs of the participants. La Strada is a very busy place where controlled chaos is nearly a daily occurrence. On the other hand, Halina Niec appears to be way less busy. Maybe due to a less stressful working environment the participants from Halina Niec were more sympathetic towards the victims.

In general, some existing literature can shed light on the responses to the question as to whether the victims should be allowed to stay permanently in Poland. As exemplified by the legislation from other European countries, anti-trafficking laws are often influenced by concerns over immigration. Poland, as a very homogenous society, does not easily welcome foreigners. For instance, in 2004 and 2006, Holmes (2010) administered surveys in Poland containing questions on people's attitudes towards migration. One of the questions asked whether people believed that Poland needed more immigrants for its own future (Holmes, 2010, p. 60). Not surprisingly, in 2004, 87 percent of the respondents either strongly disagreed or disagreed with such a suggestion, while only six percent strongly agreed or agreed with it. In 2006, the percentage of participants who strongly disagreed or disagreed dropped slightly, but the number of those who weren't sure doubled (in 2004, 8 percent of respondents were not sure while in

2006, 17 percent were not sure). The percentage of those who strongly agreed or agreed remained virtually the same (Ibid.).

Another question in Holmes' study asked about the impact of joining or being a member of the EU on illegal immigration (Holmes, 2010, p. 64). In 2004 (the year when Poland joined the EU) and in 2006, the percentage of people who believed that membership in the EU leads to an increase in illegal immigration was quite high (52 and 49 percent respectively). The participants were also asked whether they agreed that the law should be changed to grant residence rights to illegal immigrants who decide to cooperate with the police (Ibid., p. 67). In both years of the study, about a third of the respondents did not have an opinion on that matter. Those who strongly disagreed or disagreed constituted 22 percent in 2004 and 16 percent in 2006. While it would seem that a significant proportion of the respondents agreed with the idea, the high percentage of those who neither agreed nor disagreed should be kept in mind while assessing Polish people's attitudes towards migrants. The one problem with the above question is the lack of specification as to whether the "residence rights" would be a temporary benefit or a long-term, possibly indefinite, right. This distinction is important because, as the study conducted for this thesis illustrates, the respondents were definitely more willing to grant a temporary stay to the victims than a permanent one.

Holmes (2010) also asked questions that were not directly related to human trafficking, but they can shed light on anti-trafficking laws in Poland. Poland does not offer the victims the possibility of a long-term residence in the country even when they decide to cooperate with authorities. The victims are only allowed to stay temporarily for as long as they are needed by the prosecution. Holmes (2010) asked the respondents

whether they believed that people smuggling was a problem in their country (Holmes, 2010, p. 67). The substantial majority of the respondents (89%) claimed that smuggling people into Poland was a problem or a serious problem. This question evaluated in conjunction with the previously discussed questions about the impact of the EU membership on illegal immigration and the need for immigrants for the future of Poland, can suggest that Polish people fear migration to their country and are not very open to the idea of having newcomers settling in Poland. The research study for this thesis clearly shows that a substantial portion of the participants, who represent the most experienced people in Poland in working with the victims, did not believe that trafficked women should have the right to a permanent stay in the country. Although there can be many reasons for their beliefs, hostility towards migrants can definitely be one of them.

In the research for this thesis, in addition to the questions about the participants' beliefs as to whether the victims should be allowed to stay temporarily and permanently in Poland, the respondents in the research were also asked whether the victims should receive material, medical, psychological, and legal help. Every single participant in both locations (La Strada and Halina Niec) answered "Yes" to each of those questions. Unfortunately, the majority of the participants did not elaborate on their answers. The question about offering the victims material help received the most responses.⁴³ Thus, the researcher only evaluates the answers to this question.

The answers can be grouped into two categories. First, victims should receive material help because Poland has the duty to provide it to them. Second, they should

⁴³ It is possible that the participant only answered the question about receiving material help because it was the first one on the list of four questions asking about receiving material, medical, psychological, and legal help. Maybe they thought that answering the remaining questions would have been repetitious because their answers would have been the same.

receive it due to their very difficult financial situation. The first category of responses included answers stating that since the victim was harmed on the Polish territory the country owns her help. The second group of answers included responses of a more humanitarian nature where a person who is in need deserves help. It seems that for these participants it did not matter how the person ended up in a situation of need.

Offering the victim temporary and permanent stays as well as providing her with legal, material, and psychological support are just a few ways of addressing her difficult situation. When the victims are not provided with that kind of help further victimization might be taking place. Of course the question of the right to a permanent stay is difficult to answer because there can be many arguments supporting either side. However, when one looks at the statistics showing a high probability of re-trafficking of the victims, it is easier to see that sending the victim home, where she faces this high risk of being re-trafficked, could be further victimizing her. Moreover, victims who are sent home can rarely be honest about what happened to them if they want to be accepted in their communities. In many small towns and villages there are few employment opportunities for women and carrying the stigma of sex work does not make finding a job any easier. Women who were forced into prostitution are perceived to be unclean and are often rejected by men. As a result, they find themselves in situations where finding a partner might be virtually impossible. Without prospects for employment or finding a husband, trafficked women are highly susceptible to re-victimization.

The Participants' Opinions about Polish Laws and the Polish Legal System

The second part of the questionnaires can be characterized as the participants' evaluation of Polish laws and the Polish system. Those questions aimed to determine

whether the respondents' opinions were consistent with the researcher's hypothesis. The researcher hypothesized that Polish laws and the system further victimize female victims of human trafficking for sexual exploitation. In order to help answer this question the participants were asked whether Polish laws mistreat the victims, whether the victims are informed about their rights, and about the respondents' opinion about the biggest shortcomings of the current laws.

For the question asking whether Polish laws and the Polish system mistreat the victims, six participants answered "Yes" (five from La Strada and one from Halina Niec), four answered "No" (two from each organization), and five were not sure (all five from La Strada). Unfortunately, only half of the participants further elaborated on their answers. Moreover, the provided answers did not have a common theme. The answers included problems, such as not providing the victims with adequate information, using outdated laws in the courts, placing the trafficker at the center of attention without thinking about the victims' needs, and prejudice from those who apply the laws due to their negative attitude towards prostitution.

Chi square analysis revealed no correlation between the participants' level of education (having a college diploma or not) and their belief about the mistreatment of the victims. Similarly, there was no relation between those two variables in the analysis of the bootstrapped data. However, according to the chi square analysis, there was a statistically significant relation between the participants' time of employment (over two years and under two years) and the participants' responses to this question. This finding should be evaluated with caution because the results from bootstrapped data revealed that there was no relation between the time of employment and the belief about the

mistreatment. The analysis of the bootstrapped data showed that there was likelihood that there was a 44 percent chance that the participants who were employed in their respective organization for longer than two years were less likely to believe that Polish laws mistreat victims of human trafficking. The particular location of the participants in relation to their belief about the mistreatment of the female victims yielded no statistically significant results.

The attempt to evaluate the responses to this question in relation to the research question of whether Polish laws and the Polish system further victimize the female victims of human trafficking for sexual exploitation is not very conclusive. Forty percent of the respondents admitted that the laws and the system mistreat the victims while only 27 percent denied it. However, a significant portion of the respondents (33 percent) answered that they were not sure. While statistically those who answered “Yes” constitute the largest group it is also fair to say that the three possible choices (“Yes,” “No,” and “Not Sure”) received a similar number of responses. Thus, while this question alone does not entirely affirm the researcher’s hypothesis, it does help to support the theory that victims of human trafficking might be further victimized in Poland.

Next, the participants were asked about the biggest shortcomings of Polish laws. This question was also designed to help the researcher confirm or disconfirm her hypothesis. Unfortunately, not every participant answered it. Moreover, the provided answers did not form a common pattern, which would help decide which areas of law or parts of the Polish system are the most harmful to the victims. The respondents mentioned the following problems: the procedure of bringing a trafficker to justice takes too long, the punishment for traffickers is not severe enough, insufficient help offered to

the victims, and conditioning legal stay in Poland on cooperation with the officials (which actually means testifying against trafficker).

However, among the participants who provided an answer to this question there were also three respondents who did not believe that Polish laws have any shortcomings. Their responses indicate that the problem is not with the laws, but with how the laws are applied. These responses are really important for the researcher's hypothesis because they point to the fact that the system is deficient in some respect. If the laws are not applied at all or they are incorrectly applied it could mean that those who come into contact with the victims and should apply the existing laws do not do that because they either do not know the laws or refuse to apply them for some other reasons. One person said that the laws are not applied because it is easier to prosecute for different crimes related to human trafficking than for the crime of trafficking itself. A legal system which places prosecution at the center of attention and makes it the highest priority tends to overlook the needs of the victims, such as the victims' need for justice. One should ask whether the victim's right to justice for what happened to her is satisfied when the trafficker is prosecuted for some other crime or whether this situation actually denies justice to her and she becomes further victimized by the system.

The last question from this group of question asked the participants to state ways in which the situation of female victims of human trafficking could be improved. The respondents' answers to this question were very detailed and provided a whole spectrum of ways in which the victims' situation could be improved. The most frequently stated answer ($n = 6$) related to the improvement in training of people who come into contact with the victims, including judges and lawyers. Four respondents stated that Poland

should employ more effective procedures of identifying the victims. The victims cannot be helped if they do not even enter the system because they are not identified as trafficked women. This constitutes an indirect form of re-victimization because it deprives the victims of a chance to receive any help. Educating society about the crime of human trafficking and the nature of trafficking in general was also a popular answer (n = 4). The lack of knowledge about human trafficking often results in hostile attitudes towards women who were engaged in prostitution even if they were forced to sell sex. Prostitution is a highly controversial topic in Polish society and women who are involved in it are looked down upon. If society does not understand that not every person involved in prostitution does it voluntarily, people think that trafficked women chose prostitution and are the ones who should be blamed if any harm happens to them. Three participants believed that the victims' situation would change for better if prosecutors would be suing for the crime of human trafficking and not some other crime just to increase chances of a successful prosecution (such as charging the traffickers with a crime of withholding the victim's documents). Moreover, three respondents believed that national and international cooperation (better communication and cooperation between judges, courts, non-governmental organizations, and police) was a necessary step to help the victims.

Some respondents concentrated on direct help to the victims. For example, three people said that the victims should be provided with medical and psychological help. Three participants also said that the victims should be offered free legal help. Some (n = 3) mentioned that the victims should receive material help or restitution. After the victims' trafficking situations end, they basically have nothing. They have no money, they do not know anybody who they could turn to for help, and quite often they have

legal problems because their visas expired or their traffickers forced them to commit some crimes. They are often helpless and very vulnerable. Offering them free medical and psychological help as well as free legal aid are crucial ways of helping them and protecting them from re-victimization. Two participants said the victims' situation would improve if there were a way to inform them in a clear and easy way about their rights so that they would actually understand them. However, only one participant mentioned providing the victim with help regardless of her decision to testify as a way of helping her.

Moreover, one respondent said that it would be helpful if the victims were allowed to testify only in the presence of women. Putting the victims in a situation where they have to testify in order to be allowed to stay in Poland temporarily is already traumatizing in itself, but making them describe the horrors of trafficking to men can really increase their victimization. It is hard to imagine a situation where a rape victim would only receive help if she agreed to testify against her wrongdoer, but for some reason it seems appropriate for Polish lawmakers to condition providing help to the victims on their willingness to testify. Depending on the length of trafficking situation, the victims were forced to have sexual contacts with dozens, hundreds, or even thousands of men. One can imagine that trafficked women are terrified of men and see them as potential clients. Thus, requiring of them to testify in the presence of men can only add to their existing harm and lead to further victimization.

Although the lack of proper training was the most frequent answer, still only six participants saw it as a way of improving the victims' situation. Because the responses did not really concentrate on one issue, it is hard to determine what in the Polish legal

system or Polish laws could potentially be the biggest source of further victimization. The researcher assumed that what the participants saw as various ways of improving the victims' situation are indicative of sources of possible further victimization. For example, if the participant stated that testifying only in the presence of females would be a way of improving the victims' situation, the fact that female victims need to testify in the presence of men can be seen as a possible source of further victimization. The researcher preferred to leave the question of possible ways to improve the victim's situation open-ended to allow the participants to think about their answers as opposed to providing them with a long list of possible ways of improving the victims' situation and asking the respondents to disagree or agree with each one. This way the researcher had a better chance of finding out which ways of improving the situation of the victims were the most important to the participants. Otherwise, the researcher would face the risk of the respondents agreeing to every proposed choice since it is possible that, at least to some extent, the provided choices would positively affect the victims' situation.

The Participants' Beliefs about the Victims' Trust

The last group of the questions related the research question in a more indirect way because it asked the respondents whether they believed that the victims trust Polish officials and the participant's organization (La Strada and Halina Niec). The researcher wanted to see the reasons behind the respondents' answers since from the very beginning she suspected that the majority of the participants would state that the victims do not trust Polish officials. At the same time, the researcher was interested in finding out whether the participants believed that the victims just did not trust anybody by asking whether the victims also lack trust of the organizations that wanted to help them.

The researcher assumed that if the victims would trust anybody it would be the organization that was founded to help them. If the majority of the participants stated that the victims neither trusted the Polish officials nor the organizations, the researcher would not include those two questions in her attempt to confirm or disconfirm the research hypothesis. However, if the majority of the participants stated that they believed that the victims did not trust Polish officials, but at the same time, they would say that they believed that the victims had trust towards La Strada or Halina Niec, this situation could indirectly point to the inference that the Polish system, through its officials, further victimizes the victims.

In Poland, there is very little trust of officials in general. Although times are changing, people still remember the communistic and the post-communistic eras where a lot of things were handled by giving bribes, and when the officials simply did not follow the laws. In fact, there is still stigma attached to the work of various officials, and the researcher suspected that the participants would say that the victims do not trust the officials because the participants do not trust the officials themselves. Data analysis showed that 14 respondents said “Yes” while two were not sure as to whether the victims trust Polish officials. On the other hand, only two respondents stated that they believed that the victims did not trust the participants’ organizations. Five respondents said that they did not believe that the victims do not trust La Strada or Halina Niec while seven were not sure.

Because there is a clear difference between the number of participants who believed that the victims mistrust Polish officials and those who believed that the victims mistrust the respondent’s organization, the researcher decided to evaluate the responses in

light of the research question as to whether Polish laws and the Polish system further victimize the female victims of human trafficking for sexual exploitation.

About one third of the respondents said that the victims do not trust the officials due to the ways the officials treat them, which is consistent with the researcher's hypothesis that the system (officials being part of this system) mistreats the victims and further victimizes them. The respondents said that the officials treat them like objects, they lack empathy and professional behavior, or simply they just do not know how to handle the victims due to the insufficient training.

The researcher divided other responses into two groups depending on whether the victims do not trust the officials because of their own beliefs about Polish officials or whether they do not trust them for reasons not related to Polish officials at all. The first group of answers included responses showing that the respondents believed that the victims thought that the work of officials is ineffective, that they think that the officials are corrupted just as they are in their own country, or because they think that the officials are potential clients. Such responses are not necessarily related to the research question of this thesis because they suggest that the victims already hold a certain set of beliefs and act on them when they come in contact with Polish officials. However, there are sources confirming the victims' beliefs about Polish officials. For instance, not that long ago a popular Polish newspaper published an article about two policemen from Wroclaw who sought out women on Internet chats and sold them to forced prostitution in Vienna (Gazeta Wyborcza, 2006). Thus, if the victims' beliefs are grounded in truth, they support the researcher's hypothesis.

The last group of answers includes responses that are definitely suggestive of further victimization. For instance, one respondent said that the victims do not trust the officials because they do not know their rights. Others stated that the lack of trust comes from the fact that the victims are scared to be deported to their home countries or because they are scared about their own safety. Those answers clearly show that the system does not provide the victims with what they need. A lot of victims come from environments from which they were desperately trying to escape. After they are sent back to those environments, the situation for them only looks worse than before they became victims of human trafficking, because now, they also have to deal with the fact that they were forced to prostitution, which carries a lot of stigma. Thus, when the victims are sent back, the system and the laws possibly impose further harm on them. Moreover, when victims are not informed about their rights that is another type of victimization. Because they do not even know how to protect themselves they become more vulnerable to further mistreatment.

Do the Victims Know Their Rights?

The participants were also asked about their beliefs as to whether the victims are informed about their rights. This question is another indirect way of answering the research question. When the victims are unaware of their rights, they are put in an even worse position than they already are because they do not know what they can ask for and they are easier to be taken advantage of. Not informing the victims about their rights creates a further victimization on its own, but it also leads to even greater victimization because it makes the victims even more defenseless.

Of course, the problem is not only with not informing the victims about their rights because the crucial issue is whether they are informed about their rights in a way that they can understand them. Otherwise the victims simply do not know their rights whether or not they are informed about them. When the victims do not know their rights that is another failure of the system that does not provide them with sufficient help. The researcher asked the participants whether they believed that the victims are informed about their rights without asking them whether they thought that the victims understand their rights. Asking the respondents whether they believed that the victims understand their rights would really be asking them to provide an educated guess because it is really hard to assess the victims' level of understanding of their rights.

The majority of the participants answered that they do not believe that the victims are informed about their rights ($n = 11$). Chi-square analysis revealed no relationship between the educational level and the respondents' beliefs about the practice of informing victims about their rights. Similarly, there was no statistically significant correlation between the time of employment (shorter than two years or longer than two years) and the responses to this question. Interestingly, the analysis of the bootstrapped data showed that the location of the participant was related to her answer. The location had a very strong positive effect on the participant's belief as to whether the victims are informed about their rights. Employees of La Strada were less likely to believe that the victims were informed about their rights. In fact, data analysis showed that they were 110 percent less likely to be certain that the victims were informed about their rights. This outcome can be related to the fact that the employees of La Strada potentially come into contact with different types of victims. Alternatively, this finding can be related to the fact that

La Strada helps more victims of human trafficking since it exclusively addresses the issue of human trafficking while for Halina Niec, human trafficking is just one of a few areas of operation. More contact with the victims could mean more knowledge of instances in which trafficked individuals were not informed about their rights.

Files Provided by La Strada

When a potential victim comes into contact with the Border Patrol or police she might be referred to La Strada. Of course, a lot of victims are never referred to La Strada because the official who the victim comes into contact with does not believe that there is enough evidence suggesting that she is a victim of human trafficking, he does not look for any indicators pointing to such a possibility, or he simply refuses to refer a potential victim for his personal reasons. This section describes findings based on the evaluation of paper files compiled by La Strada, which were also supplemented by information offered by the organization's employees. Because the files were very incomplete they should be evaluated with caution due to their possible lack of representativeness. Since La Strada never finds out about a lot of victims because they are not referred, the paper files represent a small fraction of human trafficking victims. This section serves as a supplemental way of answering the research question as to whether Polish laws and the Polish system further victimize female victim of human trafficking for sexual exploitation.

When the victim is referred to La Strada she also receives a formal status as a victim of human trafficking. La Strada provides her with accommodation and other basic necessities. She is under the patronage of the organization for as long as she is needed by the prosecution, after which, she is sent home with the trip expenses being covered. The

length of stay under the care of La Strada is a concept that deserves some attention. The researcher evaluated files of 38 female victims and the average length of their stay under La Strada's patronage was only 17.5 days. Even the longest stay was only 117 days. These lengths of stay include information of women who finished their participation in the help program and were sent home, as well as for the victims who quit the program or violated its rules. The researcher decided to include in the analysis the women who did not finish the program because the length of their stay speaks to the general issue of how long any victim stays in the program. Those who quit could have done it because they did not find the help sufficient or because did not want to testify.

One could wonder how beneficial such a short stay really is to the victim. When the participants in this study were asked to explain why they believed that the victim should or should not be allowed to stay in Poland temporarily, those who believed that the victims should have such right provided explanations that are quite inconsistent with how short the actual stay in Poland really is. For instance, the mentioned reasons for giving the victim the right to a temporary stay referred to it as a way of providing the victim with safety, enabling her to regain psychological balance, giving her an opportunity to make some money, and protecting the victim from ostracism in her home country, or protecting her from re-trafficking. It would be hard to admit that the victim would be able to achieve any of those objectives in a 17.5 day-long stay in Poland. Thus, one can draw conclusions that such a short stay is given primarily for the benefit of Poland and not for the benefit of the victim since this time is sufficient for the prosecution to obtain necessary information from the victims.

The researcher collected additional information about instances of further victimization from the employees of La Strada and from notes and letters included in the reviewed files. One issue that seems to emerge is the treatment of the victim who has committed some other crimes. For instance, one victim of human trafficking was arrested for using fake documents to which she was forced to do by her trafficker. Despite her underage status and the fact that she was a victim of human trafficking, she was placed in jail. It took La Strada five months to have her released. This victim's case was not an isolated occurrence as there were other files containing similar stories of the arrests and placement in jail of human trafficking victims for using false documents.

Another area of concern is the treatment of Polish victims of human trafficking. Currently, Poland does not really provide much help to the victims who are citizens of Poland. La Strada operates a governmental program which is the primary source of funds for helping the victims. However, this program is restricted to only helping foreign victims. Any help given to a Polish victim by La Strada is a matter of "good will" and fully depends on what La Strada can afford from its other sources. On the other hand, if a foreign victim is placed in this governmental program, operated by La Strada, she must be provided with support.⁴⁴ The consequences of this situation were evident in the story of one Polish victim. She claimed that she could not go home because she would face retaliation from her traffickers. She asked for placement in a safe house. Unfortunately, because she was a Polish citizen she did not qualify for the help program carried out by La Strada and the organization was unable to help her.

⁴⁴ Information provided on 06/28/2012 by an employee of La Strada who had a law degree

It is unfortunate that the files contained very little information about what really happens to the victims. Those that had such facts offered valuable information about how the victim is really treated by the legal system in Poland. Clearly, the files included some chilling facts, such as the detention of the victims. It is really hard to deny that placing the victims in jails for using fake documents, which they are forced to do by their traffickers, constitutes a clear example of further victimization. Allowing the victims to stay in Poland for only a very short time is harder to assess in terms of possible victimization because it would be hard to determine what length of stay would be sufficient for the victims. However, allowing them to stay for only 17.5 days on average and only for as long as they are needed by the prosecution send a message that further victimization might be taking place.

Ultimately, this chapter attempted to shed light on the treatment of female victims of human trafficking for sexual exploitation. The administered questionnaire revealed that a lot of participants believed that Polish laws and the Polish system mistreat the victims. They also offered a whole spectrum of ways in which the situation of the victims could be improved, which suggests that the system in general has many shortcomings and that the victims are possibly mistreated in many different ways. The information obtained from the files provided by La Strada and from La Strada's employees made the information gathered from the questionnaire a little bit less abstract because they showed how the victims are actually treated (or mistreated) in Poland. This research study provided a lot of data that is very suggestive of further victimization of female victims in Poland.

Chapter V

Conclusion

Helping the victims of human trafficking and fighting human trafficking seem to be two competing approaches. Often the victims are foreigners who are subjected to harsh immigration policies. They are forced to use false documents, which constitutes a crime and puts them at risk of criminal punishment. They are deeply traumatized by their experiences in trafficking situations. On the other hand, human trafficking is a serious crime, often seen as a threat to national security. As a result, the victims' needs are not the priorities and they are used as tools for the prosecution of their traffickers. Such an approach can subject the victims to a lot of harm and mistreatment posing a question as to whether they are further victimized.

Poland is severely affected by the problem of human trafficking because it serves as a destination, source, and transit country. Although the country does not ignore the issue of trafficking and implements laws and policies to address it, the situation of the victims is still far from ideal. The victims of forced prostitution especially find themselves in an environment not only hostile to foreigners, but also to those who engaged in prostitution, forced or voluntary. Figuring out the reasons for certain laws and policies is hard, but observing their consequences is easier because attitudes towards human trafficking, its victims, and prostitution can be observed through the ways in which laws and the system treat the victims. Unfortunately, there is very little literature on human trafficking that would be based on empirical studies. Research studies

addressing human trafficking in Poland are especially scarce. Thus, there is a great need for more studies to really understand the situation of the victims after their trafficking situations end, and to understand the needs as well as the effects that the laws and their application have on the victims.

This research, in two different ways, addressed the treatment of female victims of trafficking for forced prostitution in Poland. First, the researcher interviewed employees of two organizations that address the issues of human trafficking. Second, the researcher analyzed files containing information on female victims who came under the patronage of one of those organizations. Data analyses showed that the victims could be mistreated in many different ways. The participants believed that the victims are not informed about their rights. The respondents' suspicion is consistent with the results of the study from 2007 founded by the Ministry of Interior and Administration of Poland, which revealed that none of the studied victims filed any motions, such as the motion for remedy of the damages they sustained. The researchers suspected that the victims did not do it because they did not know their rights.

Not informing the victims about their rights usually happens when they first come into contact with authorities. Thus, this is the first moment when further victimization can be taking place. Next, the victims need to decide if they want to testify against their traffickers. If they testify they are allowed to stay in Poland temporarily. Testifying carries another potential for re-victimization because the victims have to share with strangers what happened to them. They have to re-live the trauma of trafficking. Dealing with the nightmare of trafficking can happen in many ways, but for those women who would prefer to erase it from their memories and to never talk about it, this option does

not exist if they want to stay in Poland. However, if they decide to testify and are allowed to stay in the country, the evaluation of the files showed that a temporary stay is so short that it is hard to believe that it serves any other purpose than helping Poland fight trafficking. After the victims testify, they are sent home because the country does not offer them the possibility of a permanent stay. That creates another potential for re-victimization because trafficked women are often subjected to stigmatization in their home country and a big proportion of them end up again in the hands of traffickers. A lot of participants did not believe that the victims should be allowed to stay in Poland permanently, which was consistent with the current policy. When the victims are returned home, they often have to face ostracism, or what is worse, they again fall prey to traffickers.

The participants enumerated a lot of ways in which Polish laws and the system mistreat the victims and offered numerous ways in which the situation of the victims could be improved. The lack of proper training seemed to be the most prevalent issue, which makes sense because when the victim comes into contact with Polish officials her trafficking situation usually ends and her experience with Polish laws and the system begins. This moment opens up the stage in which her possible further victimization might begin. At this time she might be referred to La Strada or possibly to the Halina Niec Legal Aid Centre. However, she might also be detained for criminal offenses, such as using false documents. From this point forward, the possibilities of further victimization are really countless. As the above-mentioned research from 2007 illustrates, a lot of women are actually convicted for crimes that they commit as a consequence of their trafficking, such as crossing the border illegally. It is hard to find clearer examples of

further victimization than criminal punishment and jail sentences for victims of human trafficking who were forced by their traffickers to commit those offences. Polish victims are even in worse situations than foreign victims because the governmental help program exercised by La Strada only allocates funds to foreign victims. Thus, Polish victims are at the mercy of La Strada or other organizations that might have some extra resources to help them.

The assessment of the results of this study allows one to infer with a high degree of confidence that Polish laws and the Polish system further victimize female victims of human trafficking for sexual exploitation. Of course, such an inference is a judgment call of every individual looking at the results of this study. Each possible instance of victimization has to be evaluated, both separately and in connection with other possible forms of victimization, to determine whether it actually constitutes further victimization and if so, how it contributes to the general accusation that Poland further victimizes the victims.

This research and its results can serve as a useful source of information for lawmakers and for those who work with the victims of human trafficking. It is really easy to believe that a country helps the victims through its laws, policies and help programs, but without looking at how such help really affects the victims and what those who deliver this help think, the belief that the victims are helped can be quite erroneous. This study is a good beginning to the much-needed comprehensive evaluation of the effect of Polish laws on the victims and of the victims' treatment by the Polish system. Future research studies should include interviews with prosecutors, judges, the Border Patrol officials, and police officers to find out about their perception of the victims' rights and

their situation in Poland. Moreover, case studies following a group of women could illuminate the effects of laws and their applications even more effectively. Further victimization can only stop when those who work with the victims, those who make laws, and society at large understand the complexities of the victims' situation and the consequences that laws and policies have on them.

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Appendices

Appendix A

English Version of the Questionnaire

Questionnaire

ID Number:

Date:

Location (organization's name):

Gender:

Time employed by the organization:

Less than 3 months

3 – 6 months

7 – 12 months

Between 1 and 2 years

More than 2 years

Country of origin:

Highest level of education:

Less than high school

High school

Some college

College degree

Do not know

1. Do you think that it is problematic that Poland does not have its own definition of human trafficking and uses the UN definition?⁴⁵

Yes No Not Sure

Please explain:

2. Do you think that Poland should have a unified anti-trafficking law?

Yes No Not Sure

Please explain:

3. Is informing female victims of trafficking of their rights a common practice in Poland?

Yes No Not Sure

4. Do you think that female victims who are not citizens or residents of Poland should be allowed to stay temporarily in the country?

Yes No Not Sure

Please explain:

5. Do you think that female victims who are not citizens or residents of Poland should be allowed to stay permanently in the country?

Yes No Not Sure

Please explain:

⁴⁵ This question was not used in the actual interviews because right after the questionnaires were created Poland has passed its own definition of human trafficking.

6. Do you think that female victims should be provided with material support after their trafficking situation ends?

Yes No Not Sure

Please explain:

7. Do you think that female victims should be provided with mental support after their trafficking situation ends?

Yes No Not Sure

Please explain:

8. Do you think that female victims should be provided with medical services after their trafficking situation ends?

Yes No Not Sure

Please explain:

9. Do you think that female victims should be provided with legal services after their trafficking situation ends?

Yes No Not Sure

Please explain:

10. Do you think that female victims display mistrust towards Polish legal officials (for example, policemen, prosecutors, judges, border patrol officers)?

Yes No Not Sure

If “yes”, what do you think are the reasons?

11. Do you think that female victims display mistrust towards your organization?

Yes No Not Sure

If “yes”, what do you think are the reasons?

12. What are the biggest shortcomings of Polish anti-trafficking laws?

13. Do you think that Polish laws and the Polish system mistreat female victims of human trafficking?

Yes No Not Sure

If “yes” please explain:

14. If you believe that the situation of female victims in Poland could be better, what would be the best ways to improve it?

Appendix B

Polish Version of the Questionnaire

Kwestionariusz

Numer ID:

Data:

Lokalizacja (nazwa organizacji):

Płeć:

Czas zatrudnienia przez organizację:

Mniej niż 3 miesiące

3 - 6 miesięcy

7 - 12 miesięcy

Pomiędzy 1 a 2 lat

Ponad 2 lata

Kraj pochodzenia:

Najwyższy poziom wykształcenia:

Mniej niż liceum

Ukończona szkoła średnia

Nieukończone studia wyższe

Wykształcenie wyższe

Nie wiem

1. Czy Pan/Pani uważa, że jest to problematyczne, że Polska nie ma własnej definicji handlu ludźmi i korzysta z definicji ONZ?⁴⁶

⁴⁶ This question was not used in the actual interviews because right after the questionnaires were created Poland has passed its own definition of human trafficking.

Tak Nie Nie jestem pewny/a

Proszę wyjaśnić:

2. Czy Pan/Pani uważa, że Polska powinna mieć jednolite prawo przeciwko walce z handlem ludźmi?

Tak Nie Nie jestem pewny/a

Proszę wyjaśnić:

3. Czy informowanie kobiet-ofiar handlu ludźmi o ich prawach jest powszechną praktyką w Polsce?

Tak Nie Nie jestem pewny/a

4. Czy Pan/Pani uważa, że ofiary płci żeńskiej, które nie są obywatelami lub prawnymi mieszkańcami Polski powinny mieć prawo do tymczasowego pobytu w kraju?

Tak Nie Nie jestem pewny/a

Proszę wyjaśnić:

5. Czy Pan/Pani uważa, że ofiary płci żeńskiej, które nie są obywatelami lub prawnymi mieszkańcami Polski powinny mieć prawo do stałego pobytu w kraju?

Tak Nie Nie jestem pewny/a

Proszę wyjaśnić:

6. Czy Pan/Pani uważa, że ofiary płci żeńskiej powinny otrzymać wsparcie materialne ?

Tak Nie Nie jestem pewny/a

Proszę wyjaśnić:

7. Czy Pan/Pani uważa, że ofiary płci żeńskiej powinny otrzymać wsparcie psychiczne?

Tak Nie Nie jestem pewny/a

Proszę wyjaśnić:

8. Czy Pan/Pani uważa, że ofiary płci żeńskiej powinny otrzymać usług medycznych?

Tak Nie Nie jestem pewny/a

Proszę wyjaśnić:

9. Czy Pan/Pani uważa, że ofiary płci żeńskiej powinny otrzymać usług prawne?

Tak Nie Nie jestem pewny/a

Proszę wyjaśnić:

10. Czy Pan/Pani uważa, że ofiary płci żeńskiej demonstrują nieufność w stosunku do polskich urzędników (np. policjanci, prokuratorzy, sędziowie, funkcjonariusze straży granicznej)?

Tak Nie Nie jestem pewny/a

Jeśli "tak," jakie mogą być tego przyczyny?

11. Czy Pan/Pani uważasz, że ofiary płci żeńskiej demonstrują nieufność w stosunku do Pańskiej organizacji?

Tak Nie Nie jestem pewny/a

Jeśli "tak", jakie mogą być tego przyczyny?

12. Jakie są największe wady polskiego prawa przeciwko handlowi ludźmi?

13. Czy Pan/Pani uważa, że polskie prawo i polskie system źle traktuje ofiary płci żeńskiej?

Tak Nie Nie jestem pewny/a

Jeśli "tak", proszę wyjaśnić:

14. Jeśli uważasz, że sytuacja ofiary płci żeńskiej w Polsce może być lepsze, jakie by były najlepsze sposoby na jej poprawę?

Appendix C

Answers to the Open-ended Questions

Question 5⁴⁷. “Do you think that female victims who are not citizens or residents of

Poland should be allowed to stay permanently in the country?”

(The respondents’ answers to this question fell into three categories)

1. Yes, with no conditions attached or no special circumstances.
 - a. *“Yes, because the lawmakers should guarantee additional effective protection to individuals whose rights were violated--it is consistent with international standards that Poland is held to” (the Halina Niec Legal Aid Centre).*
 - b. *“In case where the country of origin is unable to guarantee an effective safety for the victim, there should be a possibility of obtaining a right to permanent stay, which should not be conditioned on cooperation with the prosecutors” (the Halina Niec Legal Aid Centre).*
 - c. *“If she is victimized on the Polish territory she should be allowed to stay” (La Strada).*
 - d. *“They should be able to choose. They should have a choice to go back to their home country, but they should not be forced to that” (La Strada).*
2. Yes, but the stay would be conditional or the stay would be allowed only under certain circumstances.
 - a. *“Yes, when going back to their home country threatens their safety” (La Strada).*
 - b. *“Yes, but only after the successful completion of the criminal case against her trafficker” (La Strada).*
 - c. *“Yes, they came to Poland in search of better life. If they want to stay and have an idea for work and life in Poland they should be allowed to stay permanently. However, permanent stay is connected with hard work, learning Polish, and adaptation to Poland. Every human should have the right to change his life and start from beginning” (La Strada).*

⁴⁷ The numbers of the questions in this appendix correspond to the numbers in the actual questionnaire.

3. No, being a victim of human trafficking does not carry any special privileges in terms of a legal permanent stay.
 - a. *“Being a victim of human trafficking cannot be the only reason for allowing a person to obtain a permanent stay in Poland. However, if there are special circumstance, such as when a country of victim's origin does not provide safety and adequate care for the victims, such individuals should be able to receive help for example in Poland” (the Halina Niec Legal Aid Centre).*
 - b. *“Victims should be eligible to receive full support, but the fact that an individual is a human trafficking victim does not by itself mean that this person should be favored over other foreigners” (La Strada).*
 - c. *“...positive identification as human trafficking victim should not be a positive factor in giving the right to a permanent stay” (La Strada).*
 - d. *“Just because she is a victim, she should not be entitled to a permanent stay” (La Strada).*

Question 4. “Do you think that female victims who are not citizens or residents of Poland should be allowed to stay temporarily in the country?”

(The respondents' answers to this question fell into three categories)

1. Yes, but the stay would be conditioned on the victim's willingness to testify against her trafficker.
2. Stay for the benefit of Poland or to help combat trafficking (the victim is not the primary entity benefiting from the stay):
 - a. *“...help to fight the crime, help to prevent trafficking.” (La Strada)*
 - b. *“Temporary stay is often crucial in order to conduct investigation against traffickers.” (the Halina Niec Legal Aid Centre)*
3. Stay for the benefit of the victim:
 - a. *“If she is sent home she may face ostracism.” (La Strada)*
 - b. *“Legal temporary stay is the minimum requirement to create a feeling of safety in a country in which the victim experienced trauma. Subjecting the victim to deportation does not help the investigation and turns the victim away*

*from cooperating with the police and, what is more, it creates an additional harm.”*⁴⁸ (La Strada)

- c. *“Yes, to provide safety for the victim.”* (La Strada)
- d. *“...so they can regain their psychological and mental balance.”* (La Strada)
- e. *“It is necessary for them to take care about their issues related to being the victim. So they can use help.”* (La Strada)
- f. *“So they can fulfill their right to justice.”* (La Strada)
- g. *“Yes, many women came to Poland in search of better life, work, and money to support their often big families. Here [in Poland] they realized they had to work in prostitution without pay. Temporary stay would allow them to make some money, even if it would not be a lot. It would allow them to rest under the care of La Strada, regain their strength, and change their plans.”* (La Strada)
- h. *“Yes, so they have time to regain their balance and deal with trauma.”* (La Strada)
- i. *“It is necessary for the victims to be allowed to stay in the country, at least for some time, due to their traumatic experiences and the risk of being trafficked again in the country of origin.”* (the Halina Niec Legal Aid Centre)
- j. *“Yes, because the lawmakers should guarantee additional effective protection to individuals whose rights were violated.”* (the Halina Niec Legal Aid Centre)

Question 14. What are the ways to improve the victims’ situation?

(The respondents’ answers to this question fell into five categories)

1. Training

- a. *“More trainings (social workers, translators, police, doctors, everybody who can come into contact with the victim).”* (La Strada)
- b. *“By informing the police and other officials coming into contact with the victims about the particular situation of female victims.”* (La Strada)
- c. *“By trainings and providing information to the officials coming into contact with victims.”* (La Strada)
- d. *“By training institutions that come into contact with the victims. The training should educate the officials on specific experiences that human trafficking victims endured.”* (La Strada)
- e. *“By training all of the law enforcement officials in regards to procedures and ways they should act in cases of human trafficking”* (La Strada)
- f. *“Training of the officials, people who work in shelters where the victims are sent, and training of the NGOs. By training judges and lawyers.”* (Halina Niec)

⁴⁸ This response is consistent with the researcher’s definition of further victimization where the action of Poland adds to the already existing harm and trauma of the victim.

2. Prosecution for the right crime
 - a. *"Instead of prosecuting for the crime of human trafficking, prosecutors choose to charge defendants with lesser crimes such as withholding of the legal documents. If that were not the case, the victims would have better chances of receiving compensation."* (La Strada)
3. Cooperation
 - a. *"By improving cooperation between officials and institutions helping the victims (police, prosecutors, courts, NGOs)." (La Strada)*
 - b. *"By improving the flow of information inside the institutions and between them."* (La Strada)
 - c. *"Cooperation, continuous use of prior experiences from Poland and from abroad."* (La Strada)
4. Raising Awareness
 - a. *"Raising public awareness."* (La Strada)
 - b. *"More widespread knowledge."* (La Strada)
 - c. *"By raising awareness in society about human trafficking."* (La Strada)
5. Specific help to the victims
 - a. *"By providing a psychological help as soon as the victims first come into contact with Polish officials."* (La Strada)
 - b. *"By allowing the female victim to testify in the presence of women only."* (La Strada)
 - c. *"By receiving legal representation and restitution."* (La Strada)
 - d. *"By providing medical help, the victims often suffer from various sicknesses and they do not have medical insurance."* (La Strada)
 - e. *"By giving the victim time to think whether she wants to testify."* (La Strada)
 - f. *"By providing help regardless of the victim's decision to testify."* (La Strada)
 - g. *"The victim should be given an opportunity to change her way of earning money, gain/improve her qualifications, have different opportunities."* (La Strada)
 - h. *"There should be a reintegration offer."* (La Strada)
 - i. *"In order for the victims to cope with their issues and not become victimized again (trafficked) they need to be provided with opportunities helping them to return to normal life. There should be many different programs helping the victims."* (the Halina Niec Legal Aid Centre)
 - j. *"Establish effective system of free legal aid."* (the Halina Niec Legal Aid Centre)
 - k. *"Ensure adequate psychological and psychiatric aid services."* (the Halina Niec Legal Aid Centre)

Question 13. “Do you think that Polish laws and the Polish system mistreat female victims of human trafficking?”

- a. *“It happens that the courts for which crimes related to human trafficking are a new issue to consider, do not adequately assess the factual situation in question and they use outdated laws just because the judges are familiar with those laws.” (the Halina Niec Legal Aid Centre)*
- b. *“Quite often the traffickers are at the center of attention while the victim's needs, condition, and situation become secondary. Often the victims do not receive information about the stages of investigation. They often do not even receive information about La Strada.” (La Strada)*
- c. *“Yes, because it does not sufficiently protect the well-being and interests of the victim.” (La Strada)*
- d. *“They rarely receive a legal counselor or restitution.” (La Strada)*
- e. *“It is not the law that is a problem but rather some officers who should be applying it but who are against prostitution.” (La Strada)*

Question 12 “What are the biggest shortcomings of Polish anti-trafficking laws?”

(The respondents' answers to this question fell into two categories)

1. Polish laws are not bad:

- a. *“Polish law is not bad but the problem is to what extent it is used. It is easier to prosecute for other crimes related to trafficking than for actual crime of trafficking.” (La Strada)*
- b. *“I believe that Polish laws are not too bad.” (La Strada)*
- c. *“The issue is not with the law but with how the law is applied.” (La Strada)*

2. Polish laws are inadequate in some areas:

- a. *“The law does not provide a successful witness protection.” (La Strada)*
- b. *“The lack of clear procedural guidelines.” (La Strada)*
- c. *“The procedures take too long, the officials are not obligated in any way to identify potential victims of human trafficking.” (La Strada)*
- d. *“The victim is not offered much, not much is guaranteed, and social help is the worst.” (La Strada)*
- e. *“The biggest shortcoming is the lack of adequate help and safety for the victims. The investigation should not last as long as it does. Traffickers should receive higher penalties.” (La Strada)*
- f. *“The biggest issue is the fact that law is practically unknown. Society does not know it, and most likely politicians do not know it either.” (La Strada)*

- g. *"There are not too many laws related to human trafficking." (the Halina Niec Legal Aid Centre)*
- h. *"The fact that anti-trafficking laws are scattered around in various legal codes, the fact that the legal stay in Poland is conditioned on cooperation with law enforcement." (the Halina Niec Legal Aid Centre)*

Question 10. "Do you think that female victims display mistrust towards Polish legal officials (for example, policemen, prosecutors, judges, border patrol officers)?"

(The respondents' answers to this question fell into three categories)

1. Due to various beliefs that the victims hold about Polish officials

- a. *"Especially women from the East where things are handled by bribes. They take those experiences to Poland." (La Strada)*
- b. *"Officials are usually men so there is potential that they could be clients." (La Strada)*
- c. *"Because they do not trust the officials in their own country, because they have already experienced the lack of help from officials." (La Strada)*
- d. *"It is probably because they believe that the work of police is ineffective." (La Strada)*
- e. *"The stereotype of a police officer is very negative in Poland." (La Strada)*

2. Due to the ways officials treat the victims

- a. *"There is a lack of empathy from Polish officials towards the victims." (La Strada)*
- b. *"Due to the lack of professional behavior among the officials." (La Strada)*
- c. *"Because the officials are not trained and they do not know how to handle the victims." (La Strada)*
- d. *"Quite often law enforcement officers mistreat the victims. The reason for it is inadequate knowledge and insufficient training." (La Strada)*
- e. *"Because the police and prosecutors treat them as objects." (La Strada)*

3. Due to factors not related to officials

- a. *"They do not know their rights and they feel uncomfortable." (La Strada)*
- b. *"Because the victims often commit some crimes themselves." (La Strada)*
- c. *"They are scared about inadequate safety." (La Strada)*
- d. *"This mistrust can be caused by a general mistrust towards unknown people. Especially, if the victim has already been betrayed by a person who she trusted." (the Halina Niec Legal Aid Centre)*

- e. *“They can worry that they would be blamed for what happened to them or being deported to their home country, where they do not want to go back.” (the Halina Niec Legal Aid Centre)*
- f. *“The victim is often embarrassed of what happened to her, she might feel partially guilty, foreign victims might think that they will be charged with some crimes or deported.” (the Halina Niec Legal Aid Centre)*

Question 7. “Do you think that female victims should be provided with mental support after their trafficking situation ends?”

(The respondents’ answers to this question fell into two categories)

1. The victim should receive financial assistance because Poland has duty to help them:
 - a. *“If a person was harmed in Poland, she should receive such support.” (La Strada)*
 - b. *“Providing for the basic needs of the victim is the responsibility of the country on which territory the victims was exploited.” (La Strada)*
 - c. *“Material support for individuals with high needs are part of democratic governance. A country has a duty to protect individuals under its jurisdiction.” (La Strada)*
2. The victim should receive financial assistance because of her tough situation:
 - a. *“Yes because they often do not have any money, they need help.” (La Strada)*
 - b. *“Yes, so they can function and afford at least the basic necessities.” (La Strada)*
 - c. *“Those are the women who came [to Poland] to work and earn money. Since they did not succeed, and often they lost money, they should be allowed to receive, at least temporarily, some material help” (La Strada)*